


GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL		
Chapter 61	Traffic	
Date Initially Effective 09/15/94	By The Order Of:  Hassan Aden, Chief of Police	
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61.1.1 TRAFFIC SAFETY FUNCTION

CALEA Standard: 61.1.1, 41.3.8

The Greenville Police Department Field Operations Bureau Commander shall have the overall responsibility for planning, analyzing, monitoring, and coordinating traffic enforcement activities. All Field Operations Bureau personnel shall perform traffic enforcement and control duties; however, the Traffic Safety Unit shall have the primary responsibility.

Traffic Enforcement Activity

The Greenville Police Department, through the specialized efforts of the Traffic Safety Unit, will strive to reduce the incidents of traffic collisions, provide for the safe and efficient flow of vehicular traffic, effect the enforcement of motor vehicle laws and city ordinances within the City of Greenville, and provide assistance to motorists as outlined in this directive.

Traffic functions of the Greenville Police Department shall include, but not be limited to:

- Enforcement of motor vehicle laws and ordinances as established by Chapter 20 of the General Statutes of North Carolina and Title 10 of the Code of Ordinances of the City of Greenville
- Operation of speed measuring devices
- Targeted traffic enforcement
- Operation of breath analysis equipment
- Perform community service and community relations activities to include traffic safety education and liaison with traffic safety groups

Analysis of traffic enforcement activities shall:

- Include traffic evaluations and reports compiled by the Traffic Safety Unit describing problem areas based on observations, enforcement activities, crash reports, citizen complaints, and officer/supervisor requests.
- Consider overall Greenville Police Department traffic enforcement activities and strategies
- Be used to evaluate traffic complaints and/or requests for selective enforcement

The Greenville Police Department Policy and Procedures Manual, Chapter 82, *Records*, provides guidelines governing all Greenville Police Department records to include processing, maintenance, distribution, retention requirements, and release of records and provides for supervisory review of all reports submitted by police officers. The Computer Aided Dispatch (CAD) and records management (RMS) systems records collision and citation locations. The Greenville Police Department records system shall maintain or have access to traffic information to include:

- Traffic collision data (reports/investigations/locations/dispositions)
- Traffic enforcement data (citations/arrests/locations)

- Roadway hazard reports
- Traffic safety education reports
- Traffic volume data

Information obtained through the use of in-car audio and video recording systems can become an important piece of evidence in any type of case and shall therefore be maintained in a way that insures the integrity of the contents. Mobile Video Recorder (MVR) recording media should be treated as any other item having evidentiary value in accordance with Greenville Police Department Policy and Procedures Manual, Chapters 83 and 84.

General provisions for the use of mobile audio and video recording equipment in Department vehicles are provided in Greenville Police Department Policy and Procedures Manual, Chapter 41, Section 41.3.7, *"Patrol"*. Police officers should refer to this directive for additional procedures.

Implementation of Selective Enforcement Techniques and Procedures

This directive shall establish guidelines for appropriate enforcement action when violations of North Carolina General Statute, Chapter 20, Motor Vehicles Laws are witnessed, evidenced, or brought to the attention of members of the Greenville Police Department.

Implementation of selective enforcement techniques should target specific problems as determined by factors including:

- Traffic analyses
- Citizen complaints
- Needs identified by Police Department personnel
- Needs identified by other appropriate City of Greenville personnel

Implementation of selective enforcement techniques may include enforcement actions such as:

- License or traffic checks
- Stationary observation of intersections
- Use of speed measuring devices
- Other approved techniques as appropriate to the situation

Traffic Safety Unit personnel should take enforcement action against those violations determined to cause collisions and should use countermeasures most effective for specific enforcement problems involved.

Enforcement countermeasures may include:

- Use of speed measuring devices
- Line and/or area patrol
- Stationary observation
- License or traffic checks

Deployment of Traffic Enforcement Personnel

It is the policy of the Greenville Police Department that traffic law enforcement and the delivery of law enforcement related services will be applied consistently and courteously to foster a positive public attitude and acceptance of the level of enforcement and control necessary to achieve the goals of the Department. The responsibility for enforcing traffic laws and regulations shall be shared by all sworn personnel.

Deployment of traffic law enforcement personnel shall include factors based on an analysis of traffic collisions and traffic-related calls for service pursuant to the following guidelines:

- Deployment shall be based on analysis of the most recent three-year period.
- Traffic Safety Unit personnel shall be deployed to areas based on crash frequency, citizen complaints, and other determining factors.

Analysis of Traffic Collisions and Related Factors

The Greenville Police Department will use traffic enforcement practices with the ultimate goal of reducing traffic collisions. Marked and unmarked police vehicles shall be used. Equipment should be appropriate to the enforcement actions used. The Field Operations Bureau Commander shall use the following procedures and guidelines to assist in determining effective enforcement techniques and locations.

Analysis of reported collisions should:

- Be based on a numerically significant sample
- Consider fluctuations caused by seasonal variations
- Be used to target locations with a high frequency of collisions
- Be used to determine what type of violations appear to contribute to collisions at targeted locations
- Be used to evaluate traffic complaints and/or requests for selective enforcement

To ensure effective use of resources, proactive targeted enforcement activities shall be based on analyses of traffic collisions. The Traffic Safety Unit shall conduct traffic analyses and studies pursuant to requests by the Field Operations Bureau Commander submitted through the appropriate chain of command. When such requests are made, the Traffic Safety Unit shall provide a written traffic collision analysis report to the Field Operations Bureau Commander. The Field Operations Bureau Commander shall disseminate the information to appropriate personnel. Analyses of traffic collisions shall include geographic, temporal, and causative factors such as:

- Environmental factors
- Types of violations
- Day, date, and time of occurrence

Data concerning volume of traffic, intersection counts, etc., is available through the City of Greenville Public Works Department

Evaluation of Selective Enforcement Efforts

To support field operations, facilitate program planning and the development of countermeasures, and to measure program effectiveness, the Traffic Safety Unit Supervisor will review and submit reports to the Field Operations Bureau Commander. The reports will include at least the following elements in a numerical summary:

- Traffic collisions investigated
- Traffic enforcement actions taken to include speeding citations, DWI citations and arrests, other traffic citations

The Traffic Safety Unit Supervisor shall conduct on-going evaluations of traffic enforcement activities to determine effective use of resources. Evaluations are based on:

- Citizen complaints
- Past violations at specific locations
- Crash frequency at specific locations
- Traffic volume
- Area supervisor requests

61.1.2 TRAFFIC LAW ENFORCEMENT ACTION

CALEA Standard: 61.1.2

Mandatory and recommended enforcement actions and options exist to ensure that traffic enforcement policies are uniform and equitable. Enforcement options include warnings, citations, and physical arrest. Police officers have the *option* to make a physical arrest under the following circumstances:

- Violators of traffic laws pertaining to driving while impaired (DWI) statutes, except when the offender is hospitalized or similarly incapacitated as a result of the offense
- Anytime a felony has been committed involving a vehicle
- Anytime the operator attempts to elude a law enforcement officer

- Anytime the operator cannot produce sufficient identification to verify his identity and he is going to be charged with a violation
- Anytime the operator is licensed by a non-reciprocal state
- When the police officer has reason to believe that the person will not comply with the summons if issued. *Refusal to sign a citation is not reason to believe the person will not comply.*

In those cases where physical arrest of traffic violators is authorized by statute, the following procedures will apply:

- The arrestee(s) will be informed of the specific charges(s).
- If the police officer intends to question the arrestee(s) about the offense, the arrestee will be advised of Miranda right against self-incrimination and the right to have counsel present.
- If necessary, the arrestee's vehicle will be towed according to the procedures set forth in this directive

Police Officers shall issue a Uniform Traffic Citation in most cases for those violators who commit a minor traffic misdemeanor or infraction pursuant to Chapter 20, MOTOR VEHICLES LAWS of the North Carolina General Statutes. Should a violator be issued a Uniform Traffic Citation, the police officer will:

- Explain why the traffic stop was made
- Write the citation
- Explain the contents of the citation as outlined in standard 61.1.4 of this directive

Police Officers may issue verbal warnings as a proper enforcement alternative in response to a minor traffic infraction committed in those areas where traffic collision potential is minimal. Verbal warnings or other non-punitive enforcement actions should be substituted for arrests or citations when circumstances warrant.

Preparation of Citations/Reports

Traffic citations and arrest reports form the basis for the prosecution of traffic violators. Departmental guidelines for the preparation and processing of traffic citations, traffic-related arrest reports, and traffic related supplemental reports are:

Uniform Traffic Citations

- All handwritten citations will be neatly and legibly printed using a ballpoint pen writing non-erasable black ink.
- All spaces requiring information relevant to the situation will be completed.
- A court date will be designated according to the police officer's assigned court dates.
- The police officer shall give the violator the "Defendant's Copy" (pink copy) of the citation.
- Police officers should write a detailed statement of the facts about the violation on the "Officer's Copy" of the citation. This copy shall be retained by the police officer.
- The "Court's Copy" (original) and the "Driver License Section Copy" shall be submitted to the Records Section.
- If the violator is taken before a magistrate, the back of the original will be completed and submitted to the magistrate as the "Return of Service".

Uniform Traffic Citations issued electronically (eCitation) are automatically forwarded to the Office of the Clerk of Court. The issuing officer shall provide a printed copy of the citation to the violator. All electronic citations are archived on the City of Greenville computer system.

Arrest Reports

The police officer shall complete an arrest report when a physical arrest of a traffic violator is made. The report will be submitted to the Records Section after review by a supervisor.

Accountability for Uniform Traffic Citations

All North Carolina uniform state citation books shall be issued by a supervisor. The control numbers of the citation book shall be recorded next to the name of the police officer receiving the citation book. Citations completed during the police officer's tour of duty will be submitted to the platoon supervisor to be reviewed and forwarded

to the Records Section. Greenville Police Department Policy and Procedures Manual, Chapter 82, Section 82.3.2, "Records," provide instructions for police officers to follow when a citation or citation book is lost or stolen.

Cancellation of citation(s) will be handled in the following manner:

- If an error is made while writing a citation, or if citations have been damaged and are unusable, they may be administratively canceled by the police officer. The police officer shall write "VOID" across the citation and on the copies. All copies will be left in the citation book.
- If a police officer wishes to void a citation for another reason, the police officer may talk to the District Attorney, explaining the reason for the request.
- A supervisor may direct a police officer to seek dismissal of a citation if, upon investigation, it appears the citation was improperly or inappropriately issued. This type of dismissal will require the approval of the District Attorney.
- In no case will any Department employee cause a traffic citation by another police officer to be dismissed, except under the conditions previously stated above.
- Electronic citations (eCitation) must be canceled or voided prior to transmission.

Periodic audits of citation books will be accomplished at the direction of the Field Operations Bureau Commander in accordance with procedures outlined in Chapter 53 of the Greenville Police Department Policy and Procedures Manual

The police officer shall return used citation books to the on-duty supervisor. The supervisor shall inspect the used citation book to ensure that all the necessary copies are accounted for, and record the used citation book as being returned, next to the name of the police officer submitting the book. The supervisor shall return the used citation books to the Field Operations Bureau Administrative Assistant who is responsible for returning used citation books to the Clerk of Court's Office. The Traffic Safety Unit Supervisor is responsible for the above-described process for the Traffic Safety Unit.

61.1.3 SPECIAL PROCESSING REQUIREMENTS

CALEA Standard: 61.1.3, 1.1.4

Non-Residents of North Carolina

Frequently, a police officer stops a driver for a traffic offense and discovers that the driver is not a resident of North Carolina. The police officer must then choose among various enforcement options available, including full custodial arrest and transportation to the magistrate's office or issuance of a North Carolina Uniform Traffic Citation.

North Carolina General Statute, Chapter 20, Article 1A and 1B (GS 20-4.1 through GS 20-40.20) govern reciprocity agreements between North Carolina and other states and regulate the circumstances under which a police officer may arrest a nonresident for a violation of the motor vehicle laws of North Carolina. Pertinent provisions of these sections are:

- Nonresident members- Violators who are residents of states that have entered a Nonresident Violators Compact with North Carolina are entitled, under certain circumstances, to be issued a citation for certain offenses rather than face arrest and the requirement of posting bond. Violators who are residents of these other states are, for the purpose of this outline, referred to as "nonresident member violators".
- North Carolina GS 20-4.19 provides that a police officer shall issue a citation to a nonresident member violator if the offense is one that would not result in the suspension or revocation of the person's license under the laws of North Carolina. A police officer issuing a nonresident member violator a citation is forbidden from requiring the nonresident member violator to post bond. Furthermore, the police officer is required to release the nonresident member violator upon personal recognizance. Personal recognizance is defined as "a signed agreement by a nonresident member violator that he will comply with the terms of the citation issued to him". However, any nonresident member violator has the right upon request to post collateral or bond in a manner provided by law, and in such a case the provisions for issuance of a citation and an acceptance of personal recognizance would not apply. North Carolina

General Statute 15A-532 authorizes judicial officials to determine conditions for release of persons on bail and General Statute 7A-274 expressly prohibits law enforcement officers from setting bail.

- In those circumstances in which a nonresident member violator is issued a citation, executes a personal recognizance, and subsequently fails to comply with the citation, North Carolina General Statute 20-4.19(c) directs the Clerk's Office to report the noncompliance to the North Carolina Division of Motor Vehicles.
- Reciprocity agreements entered into by North Carolina require that nonresident member violators who do not comply with a citation will have their noncompliance reported to the official in charge of the issuance of licenses in the violator's home state so that appropriate action may be taken. Since this sanction is not available against the nonresident violators from nonmember states, police officers should arrest and take before a magistrate all violators who are residents of states that do not have reciprocity agreements with North Carolina (misdemeanor violations only). Police officers may, however, wish to issue a citation to these violators who have substantial, consistent, and recurring contacts with the state of North Carolina, i.e., a commuter from South Carolina into North Carolina.

All citations issued to, and arrest of, residents of member or nonmember states must be governed by the applicable provisions of North Carolina General Statutes, Chapter 15A. Pertinent provisions of North Carolina General Statute 15A-401(b) authorize a police officer to "arrest without a warrant any person whom the police officer has probable cause to believe committed an offense in the police officer's presence". For offenses committed out of the presence of the police officer, "a police officer may arrest, without a warrant, any person whom the police officer has probable cause to believe has:

- Committed a felony
- Committed a misdemeanor and will not be apprehended unless immediately arrested or may cause physical injury to himself or others, or damage to property unless immediately arrested"
- Committed a misdemeanor under North Carolina General Statute 14-72.1

Juveniles

When a juvenile (an individual under 16 years of age) commits a misdemeanor or infraction, the police officer shall follow all applicable procedures in accordance with N.C.G.S. 15A-505. An individual 16-18 years of age charged with a misdemeanor or infraction may be issued a Uniform Traffic Citation and processed as an adult. In all cases where a juvenile is taken into custody, the police officer is responsible for notifying the juvenile's parents of the circumstances as soon as possible.

Police officers should refer to Chapter 44 of the GPD Policy and Procedures Manual for specific procedures when encountering juveniles who have committed a violation.

Legislators

Members of the United States Congress will, in all cases except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective house, in going to and returning from the same, and for any speech or debate in either house.

Members of state legislature in some cases have the same immunity granted to members of Congress. The common law prevails which privileges them from arrest while attending, going to, or returning from a session of their respective houses.

For the Governor, Lieutenant Governor, Attorney General, State Supreme Court Justices and members of the State Legislature, there are no North Carolina laws that exempt any state, or local official, either appointed or elected, from federal, state, or local laws. The issuance of a traffic citation, a warning ticket (or verbal warning), or a physical arrest in those cases where physical arrest is authorized, is allowed.

Individuals with Immunity

Greenville Police Officers will receive training on consular identification and notification during North Carolina Basic Law Enforcement Officer Certification Training and during scheduled field training with a Field Training Officer.

DIPLOMATIC OFFICERS

Ambassadors and Ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. These officials are located either in Washington, DC, or in New York City. Diplomatic officers, their families, official staff, and servants, who are not nationals of or permanently reside in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

CONSULAR OFFICER

Consular officers are Consuls-General, Deputy Consuls-General, Consuls, and Vice Consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities and considerations as described below:

- *Immunities* – Under prevailing international law and agreement, a foreign Consular Officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. This immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.
- *Identification* – Career Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers. The State Department credentials bear its seal, the name of the officer, his title, and the signature of the State Department officials.
- *Honorary Consuls* – Often nationals or permanent residents of the receiving state are appointed and received as Honorary Consular Officers to perform the functions generally performed by Career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to Career Consular Officers, though they may exhibit reduced-sized copies of the exequatur or diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord them the protection required by virtue of their official positions.
- *Family of Consular Officers* – Family members of Consular Officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state, as do Consular Officers; however, they should be accorded appropriate courtesy and respect.
- *Consular premises* – Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post or a designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster that may require prompt protective action.

Methods of handling selected incident violations or minor offenses committed by Consular Officers:

- *Moving violations* – When a Consular Officer is stopped for a moving violation, the police officer on the scene, upon being advised by the driver that the individual is a Consular Officer and verifying that the Consular Officer possesses the proper credentials, should exercise discretion based on the nature of the violation and either let the Consular Officer go with a warning of the danger of the actions or proceed with issuance of the appropriate citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense of referred to above.
- *Driving while impaired* – The primary consideration in this instance should be to see that the Consular Officer is not a danger to himself or the public. Based upon a determination of the circumstances, these options are available:
 - Take the Consul to a telephone so that the Consul can call a relative or a friend to come for the Consul.
 - Call a taxi for the Consul.

- Take the Consular Officer home.
- *Offenses involving family members* – Family members of a Consular Officer cannot claim immunity; however, consideration should be given to the special nature of this type of case.
- *Reporting incidents to the Office of the Governor* – If a Consular Officer or member of the Consular's family is stopped and cited by a police officer for an alleged violation of municipal or state laws, the Office of the Governor shall be notified and furnished with all pertinent information. This notification will be made by the Chief of Police.

MILITARY PERSONNEL

Armed forces personnel, for purposes of this directive, shall include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and reservists who are on active duty. Generally, no person who is a member of an organized militia is subject to arrest while going to, remaining at, or returning from any place at which that individual may be required to attend for military purposes. However, on occasion, it may be necessary to issue a traffic citation, affect a physical arrest, or investigate a traffic collision involving a member of the armed forces.

TRAFFIC COLLISION

The above also shall apply when armed forces personnel are involved in a traffic collision and either are killed or injured to the extent that they require hospitalization. In this latter case, it will also apply to civilian employees of the armed forces when acting within the scope of their employment.

MILITARY PERSONNEL/NONRESIDENTS

Military personnel whose permanent residence and/or permanent duty station is located outside the State of North Carolina will be treated as nonresidents.

61.1.4 INFORMATION PROVIDED TO TRAFFIC LAW VIOLATORS

CALEA Standard: 61.1.4

When issuing a citation to a traffic law violator, police officers shall provide the following information:

- Court appearance schedule
- Whether court appearance is mandatory
- Whether the violator may be allowed to enter a plea and/or pay the fine by mail or at a specific location
- Any other information that must be provided to the violator prior to release

61.1.5 UNIFORM ENFORCEMENT POLICY

CALEA Standard: 61.1.5

The uniform application of enforcement action for traffic violations is based upon principles of sound judgment and consideration of the circumstances and conditions surrounding the violation. Police officer discretion is the key to equitable application of traffic law enforcement with the ultimate goal being the achievement of voluntary compliance of traffic laws. The intent of this directive is to set forth general guidelines for uniform enforcement action for routine situations. It is not the intent of this directive to limit the police officer's use of judgment, but to encourage each police officer to use his training and experience to the fullest extent. The following are general guidelines when encountering the indicated violations.

Driving Under the Influence of Alcohol/Drugs

The Greenville Police Department recognizes that drivers impaired by alcohol and/or other intoxicants represent a serious threat to the safety of others. Because of the seriousness of this problem, the Department maintains a program that includes provisions for uniform enforcement of DWI laws and public education concerning alcohol/drugs. Refer to this directive, sections entitled *Driving While Impaired Countermeasures* and *Arrest and Processing of Impaired Motorist* for procedures related to Driving While Impaired.

Speeding Violations

There is no legal defense for exceeding the posted speed limit or for driving faster than conditions permit. Drivers stopped for speed violations, however, may indicate certain factors unknown to the police officer prior to the stop that may have contributed to the violation. Police officers should exercise discretion when deciding if a warning or a citation is appropriate. Consideration should be given to such factors as weather conditions, traffic volume, pedestrian traffic, and location, while always being mindful that excessive speed correlates directly with high incidence of collisions.

Other Hazardous Violations

Hazardous violations are those violations that pose a direct hazard to the safe and efficient flow of traffic. These violations contribute substantially to collisions and include reckless driving, moving violations, and other accident-related violations. A police officer's enforcement action should be consistent with the severity of the violation.

Equipment Violations

Equipment violations are defined as those violations that render the vehicle unsafe for operation on a public street or highway, i.e., unsafe tires, lights, either headlights or taillights not in operation, loud and/or smoking exhaust systems, and inspections not current. A police officer's enforcement action should be consistent with the severity of the violation and the existing circumstances.

Non-Hazardous Violations

Enforcement efforts for nonhazardous traffic violations will be guided by police officer discretion. Non-hazardous violations are generally defined as those violations, such as inspection or registration violations, that do not present an immediate potential hazard to the motoring public.

Public Carrier and Commercial Vehicle Violations

Public and commercial carriers who violate traffic laws will be treated in the same manner as the general public. Uniform enforcement policies and procedures outlined in this directive are applicable.

Multiple Violations

When multiple violations are committed by a single individual and arise from a continuous activity, the enforcement actions shall be predicated on the most single offense committed consistent with the enforcement policy described in this directive. Police officers may consolidate multiple violations in a single citation or complaint in the following situations:

- When the complaint incorporates all of the simultaneous violations
- When the citation addresses overlapping or simultaneous violations

Police officers may issue less than the authorized number of citations when it does not compromise their investigation and enforcement responsibilities and it accomplishes a legitimate police purpose, or they may incorporate all charges into a reckless driving charge under North Carolina GS 20-140. In all cases of multiple violations, the enforcement action taken should be sufficient to support a comprehensive and complete prosecutorial effort.

Traffic Collisions and/or Misdemeanor Death by Vehicle

Greenville Police officers shall be responsible for responding to, investigating, and reporting traffic collisions that occur within the jurisdiction of the Greenville Police Department and shall take enforcement action when such action is appropriate.

North Carolina Gs 20-141.4(a2) provides that a driver commits the offense of misdemeanor death by vehicle when a driver unintentionally causes the death of another person while the driver is engaged in the violation of state or local ordinances applying to the operation or use of a motor vehicle or to the regulation of traffic, other than impaired driving (DWI) under North Carolina Gs 20-138.1. Police officers shall inform and consult with the District Attorney before charging a driver with misdemeanor death by vehicle under North Carolina GS 20-141.4(a2).

Refer to this directive sections entitled, *Collision Scene Response, Investigation, And Reporting, and On-Scene Responsibilities* and *Collision Investigation Follow-Up Procedures* for additional procedures.

Newly Enacted Laws and/or Regulations

Information concerning newly enacted traffic laws is provided via email, legal updates from the Assistant City Attorney, or in-service and shift briefing training. Dependent upon the nature of the violation, the Chief of Police may authorize enforcement guidelines and schedules such as public education efforts, grace periods, warnings in lieu of citations, etc. until the provisions of the new laws are better known to the public.

Driver License and Registration Plates

Police officers frequently encounter drivers who are unable to produce a valid driver's license. When a driver is unable to produce a valid license, the police officer may check through a Mobile Data Terminal when access to a MDT is available or, the officer can request the Communications Center to check by computer through the Department of Motor Vehicles (DMV) records for current license status of the driver.

When a driver is unable to produce a valid license, the police officer has the discretion to cite the driver under North Carolina GS 20-7(n) for operating a motor vehicle without carrying a license. If the computerized records indicate an invalid license, the police officer should cite the driver for not having a license under North Carolina GS 20-7(a) unless circumstances that warrant a physical arrest (e.g., no supporting identification, out of state resident, etc.) exist.

If the computerized records indicate that the driver was issued a driving license in North Carolina or another state, and the driver's license has been suspended or revoked, the police officer has the option to cite the driver for driving while license revoked or suspended, under North Carolina GS 20-28, unless circumstances warrant a physical arrest (e.g., no supporting identification, out of state resident).

In either case, the driver should not be allowed to drive away from the traffic stop. If the driver is arrested, the vehicle does not need to be towed if it is legally parked or on private property unless the security of the vehicle or its contents are in jeopardy if left at the scene.

If there is a doubt to the status of a driver's license and the verification of the license status cannot be obtained within a short time, and the identity of the driver is confirmed through supporting identification, then the police officer should release the driver. The police officer may obtain a warrant later if confirmation of the license revocation or suspension is received.

If there is a doubt about the status of a driver's license and verification of the license status cannot be obtained within a short time, and the police officer cannot confirm the identity of the driver through supporting identification, then the police should arrest the driver and charge the driver with not having a valid license under North Carolina GS 20-7(a)

Officers, who determine through the Department of Motor Vehicles (DMV) that a violation of North Carolina GS 20-111 has occurred involving registration plates may choose to cite, issue a written warning or a verbal warning for the violation.

Officers, who received notification through the Division of Criminal Information (DCI) system that a driver license or registration plate has been revoked or cancelled and an order to seize the item exists, shall make the determination as to whether the appropriate enforcement action would be to seize the driver license or registration plate. In the event, the officer determines the appropriate course of action is to seize the driver license and/or registration plate the officer should refer to *SOP,61.1.5 License/Registration Plate Pickup Orders (Attachment B)*, for the specific guidelines to be followed.

Pedestrian and Bicycle Law Enforcement

Police officers shall take appropriate enforcement action when pedestrian and bicycle traffic law violations are observed. The enforcement of traffic laws, North Carolina General Statute 20-172, *Pedestrian's Rights & Duties*, through GS 20-176, and the ordinances of the City of Greenville, require discretion from police officers.

Off-Road Recreational Vehicles

Off-road recreational vehicles not licensed for street use include, but are not limited to:

- Two-wheeled motorcycles and mini-bikes manufactured for off-road use
- Three-wheeled, and four-wheeled motorized "ATV's (all terrain vehicles)
- Other motor vehicles modified for off-road use

Police officers should enforce registration, insurance, and licensing laws under Chapter 20 of the General Statutes of North Carolina when encountering off-road recreational vehicles being driven on the roadways, or involved in collisions on the roadways. Police officers should follow directives contained in this policy under *Towing* for Department towing procedures for off-road recreational vehicles.

Police officers should refer to Chapter 44 of the Greenville Police Department Policy and Procedures Manual when encountering a juvenile offender operating off-road recreational vehicles upon the public roadways.

61.1.6 ENFORCEMENT PRACTICES

CALEA Standard: 61.1.6

Patrol Techniques

Based on the premise that patrol in a marked vehicle is the most effective deterrent to traffic law violators, police officers will be alert to the occurrence of violations while engaged in patrol duties and shall devote a portion of their duty tours to selective traffic law enforcement through the use of the following patrol techniques:

- *Area Traffic Patrol* – The part of law enforcement traffic supervision that consists of driving an area of roadway for the purpose of providing protection, security, and service to the public patrol or stationary observation in an area that includes a number of streets, roads, or sections of highway.
- *Line Traffic Patrol* – Moving patrol or stationary observation on a specified route between two points, usually on one street or a section of a highway.
- *Directed Traffic Patrol* – Traffic enforcement or the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, collision experience, frequency of traffic violations, and emergency service needs.
- *Covert or Overt Stationary Observation* - Traffic observation at a selected place, usually one with an unfavorable collision experience or traffic flow problem, for traffic law enforcement purposes – especially to detect violations and deter possible violators. When utilizing stationary patrol tactics, police officers will park in such a manner so as not to impede or interfere with traffic flow.
- Covert Stationary observation may be conducted in a manner in which the observer is not readily visible to persons, using ordinary powers of observation, from the roadway being observed.
- Overt stationary patrol may be conducted in a manner in which the observer is in full view of those on the roadway being observed.
- *Use of Unmarked or Unconventional Vehicles* – In all cases, the patrol tactics adopted should be suited to the enforcement objective. When appropriate, unmarked vehicles may be used to accomplish a traffic enforcement purpose. At all times, however, the actions of the police officer shall be reasonable and consistent with the Department's traffic enforcement policy. Police officers will drive patrol vehicles in compliance with existing laws and in such a manner as to demonstrate exemplary driving behavior.
- *Roadside Safety Checks* – Stationary traffic observation and intervention at selected places shall be used to assure the enforcement of safety requirements such as seat belts; child safety seats, Driving While Impaired checks, vehicle inspections, etc.

Use of Authorized Emergency Equipment

Police officers shall use emergency equipment only when required by the nature of their dispatched assignment, or when situations confronting them indicate the need for the use of emergency equipment. North Carolina General Statute 20-156 (b) and General Statute 20-145 do not protect police officers operating vehicles and emergency equipment from the consequences of reckless disregard for the safety of others.

Emergency (red/blue/white) lights shall be used in the following circumstances:

- In accordance with the provisions of Chapter 41, of the Greenville Police Department Policy and Procedures Manual, regarding pursuit driving and procedures for responding to routine and emergency calls
- When stopping traffic violators
- When assisting motorists who are parked or stopped in hazardous locations
- When a patrol vehicle is stopped or parked on the roadway while the police officer attends to a hazardous condition, or other circumstance such as traffic direction

Sirens shall be used in the following circumstances:

- The siren is to be used simultaneously with the emergency lights when in a pursuit situation or an emergency situation.
- The siren may be used to signal drivers to stop or yield right of way when other means of attracting the driver's attention have failed.

Vehicle spotlights are an effective enforcement and officer safety tool and should be used in the following manner:

- The spotlight/takedown light should be used as a protection for the police officer, especially when dealing with known or suspected felons. For example, following a traffic stop, the spotlight/takedown light should be used to illuminate the interior of the violator's car so all occupants are kept within view and at a distinct disadvantage when looking back toward the police vehicle and police officer. The police officer should exercise care not to be silhouetted by the light.
- The spotlight/takedown light should not be used routinely to signal violators to stop, due to the possibility of temporary blindness to the violator and other drivers from the glare created by its use.

Public address system shall be used in the following manner:

- The public address system should be used when it is necessary to minimize a suspected hazard to the police officer by directing the actions of a violator(s) from a safe distance.
- The public address system is a valuable tool for directing persons when unusual conditions are present, such as natural or manmade disasters.

61.1.7 VEHICLE STOPS

CALEA Standard: 61.1.7

Most vehicle stops will be a misdemeanor or felony stop. No two vehicle stops are exactly alike. The content of this directive provides guidelines for police officers conducting stops of traffic law violators.

Unknown Risk Stops (misdemeanor)

The police officer should choose the location for the vehicle stop carefully. The police officer should consider the following in choosing a location for a vehicle stop:

- Traffic congestion
- Pedestrians
- Road conditions
- Surrounding terrain
- Street lighting
- Available cover
- Visibility to traffic

The police officer shall activate the emergency lights to alert the driver to stop. The police officer should use the siren, if necessary, to alert the driver. At night, the police officer should use the patrol car takedown lights and/or spotlight to illuminate the interior of the vehicle once it has stopped.

The police officer shall inform the Communication Center of the vehicle license plate number, license state, and of the stop location prior to initiating the first contact with the driver. The police officer is encouraged to inform the Communications Center of the color, year, make, and model of the stopped vehicle prior to contacting the driver. If the stopped vehicle displays a temporary license tag, the police officer shall inform the Communications Center of the color, make, and model of the stopped vehicle, as well as, the number of occupants in the vehicle before the officer exits the patrol car. The police officer should receive an acknowledgment from communications prior to exiting the patrol car.

The police officer should position the patrol vehicle about 15 feet behind, and about 3 feet to the left of, the stopped vehicle, with the front wheels of the patrol vehicle turned sharply to the left.

Before exiting the patrol car, the police officer should:

- Observe the interior of the stopped vehicle for unusual movement or activity
- Be aware of roadway traffic and use caution when exiting the patrol vehicle.

While approaching the vehicle the police officer should:

- Approach the stopped vehicle's left rear bumper, then walk closely along the left side of the vehicle toward the front window.
- Stop slightly to the rear of the front door post or rear door post, out of the way of the door should it open.
- Observe the trunk of the stopped vehicle
- Observe the rear window of the stopped vehicle
- Observe the rear seat and floorboard of the stopped vehicle
- Observe the occupants inside the stopped vehicle (movements, hands, etc).

The police officer has the discretion to approach the vehicle along the right side, and stop slightly to the rear of the front door post or rear doorpost. Should the police officer be unable to view the activities of the occupants of the vehicle, the officer may order the driver to open the doors of the vehicle to get a better view of the activities of the occupants. For the safety of the officer, it is permissible for the officer to order all occupants of the vehicle out and briefly detain them during the stop. Although permissible, the officer should consider all safety issues arising from the removal of the occupants from the confinement of the vehicle.

If the driver of the stopped vehicle exits the vehicle before the police officer has made the approach or while the officer is approaching, the police officer should instruct the driver to return to the stopped vehicle. The police officer should be prepared to take evasive action in case the driver advances upon the police officer. The police officer shall transmit the disposition of the traffic stop to the Communications Center and indicate a return to service.

Known Risk Stops (Felony)

This traffic stop technique is used for the more dangerous type of vehicle stops a police officer makes. If conducted properly, it can make the stop much safer for the police officer. This kind of stop should always be completed by two or more police officers, using at least two patrol cars. The police officers should consider the following in choosing a location for a felony stop:

- Traffic congestion
- Pedestrians
- Road conditions
- Surrounding terrain
- Street lighting
- Available cover
- Visibility to traffic

Prior to initiating a felony vehicle stop, the police officer shall inform the Communications Center of the activity and the suspect vehicle's license plate number, license state, color, year, make, and model. The Police officer shall transmit to the Communications Center the police officer's current location and direction of travel. Prior to initiating a felony vehicle stop, the police officer should ensure that backup police officers and patrol cars are on scene. The police officer shall wait for an acknowledgment from the Communications Center before proceeding with the felony vehicle stop.

Before initiating the stop, the police officer shall ensure that the backup officer is in position and prepared to conduct the felony vehicle stop. If possible, the police officer shall transmit to the Communication Center the number of occupants inside the vehicle.

To initiate the felony vehicle stop, the police officer should use the siren, if necessary to alert the driver. The police officer should use the patrol car takedown lights and/or spotlight at night to illuminate the interior of the vehicle being stopped. The police officer shall transmit to the Communications Center the final location of the vehicle stop.

The police officer initiating the vehicle stop should be the command officer, and the patrol vehicle should be the command vehicle. The first police officer, or command officer, should position the patrol car about 20 feet to the rear of the stopped vehicle, at about a 45-degree angle to the left, with the front wheels turned sharply to the left. The police officer should occupy a position using the cover provided by the command patrol car.

The backup police officer should position the backup patrol car about three feet to the right of the rear of the command vehicle, facing the stopped vehicle, offset slightly toward the right side. The backup officer should occupy a position using the cover provided by the patrol cars. The backup officer should be the cuffing officer. The command officer should control the occupants of the stopped vehicle by issuing commands to the driver of the stopped vehicle using the public address system. The command officer should direct the occupants of the stopped vehicle out of the car, one at a time, and back to the cuffing officer and other backup officers so they can be searched and secured. The commands should be kept simple, clear, and direct, such as:

- "Driver of the car put your hands on the windshield"
- "Driver, with your left hand, turn off the ignition and drop the keys out the window"
- "I am a Greenville Police Officer, you are under arrest"

Under no circumstances should police officers approach an occupied vehicle during a felony vehicle stop. If an occupant refuses to exit the vehicle or comply with instructions from the command officer, the situation then should be handled as a barricaded suspect incident and appropriate procedures followed.

At the completion of the felony vehicle stop, the command officer shall transmit the disposition of the stop and the status of police officers involved to the Communications Center.

Police officers should review the different techniques for conducting felony vehicle stops as part of their annual retraining. Police officers should be prepared for circumstances that require different vehicle positions and different police officer positions during felony vehicle stops, i.e., night stops, terrain, etc.

61.1.8 POLICE OFFICER/VIOLATOR RELATIONSHIP

CALEA Standard: 61.1.8

Traffic law enforcement is one of the many tasks performed by police officers. For the traffic violator, it is frequently a stressful experience. The police officer should be aware of this and should strive to make each contact positive. The police officer should leave the traffic violator with the impression that the police officer has performed a necessary task in a professional and friendly way.

Traffic stops have two objectives that the police officer seeks to achieve. The first objective is to take appropriate enforcement action, and the second is to alter favorably the violator's future driving behavior. This requires a thorough understanding of human relations and demands flexibility on the part of the police officer. The following procedures are recommended to minimize conflict that may develop between the police officer and the traffic violator and to assist the police officer in achieving the two objectives. Once the police officer has stopped the traffic violator and approached to a point where communication can begin, the police officer should:

- Present a professional image in dress, grooming, language, bearing, and emotional stability
- Be certain that the observations of the violation were accurate
- Be prepared by having the necessary forms, if they are to be used, immediately available
- Greet the violator in a courteous manner
- Be alert for the unexpected, but not obviously apprehensive
- Inform the traffic violator of the reason for the stop and the intended enforcement action
- Ask for and accept the violator's driver's license, and vehicle registration card
- Obtain another documentation of identification, if necessary, to verify identity
- Reasonably allow the driver to discuss the violation
- Complete the forms appropriate for enforcement action
- Explain the requirements of the enforcement action, and the alternatives available
- Be alert for signs of emotional distress or physical impairment exhibited by the driver
- Assist the violator in reentering the traffic safely

61.1.9 SPEED MEASURING DEVICES

CALEA Standard: 61.1.9

The North Carolina Criminal Justice Education and Training Standards Commission and the Secretary of the North Carolina Department of Crime Control and Public Safety approve the use of specific speed-measuring instruments, adopt procedures for the operation of those instruments, and develop standards for the calibration, testing and equipment specifications of each approved instrument. The Greenville Police Department shall only use radar units selected from a list of speed-measuring instruments approved for use in North Carolina by the North Carolina Justice Education and Training Standards Commission and shall follow all procedures established by the Commission and Secretary of Crime Control and Public Safety relative to:

- Equipment specifications
- Operational procedures
- Proper care and upkeep
- Maintenance and calibration records
- Operator training and certification

Operational Procedures for Speed Measuring Devices

Statutory authority exists on each type of radar unit. Police officers shall follow the statutory authority for operational procedures for the type of radar unit being used. Radar operators must be certified through a formal Electronic Speed Detection course as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission. Criteria for determining a location where a radar unit will be operated includes:

- Crashes where speed has been a contributing factor
- Complaints from the public
- Supervisor's or police officer's knowledge of traffic conditions

Radar units and tuning forks shall be certified every 12 months, or as needed, by personnel licensed by the Federal Communications Commission (FCC). Police officers shall notify the on-duty supervisor of any deficiencies found in the operation of a radar unit. Deficient or defective radar units shall be removed from service as soon as the deficiency is discovered.

61.1.10 DRIVING WHILE IMPAIRED (DWI) COUNTERMEASURES

CALEA Standard: 61.1.10

The Department's program focuses on the arrest of alcohol and/or drug related traffic offense violations by fielding specially trained and equipped personnel and by the identification of these offenses as a priority enforcement activity. Qualified police personnel are responsible for the development, implementation, and maintenance of several drug and alcohol awareness programs for adults, school-aged children, and concerned community interest groups. Police officers shall receive training in DWI enforcement through shift briefing training sessions, in-service training, and specialized courses.

Departmental Chemical Analysts receive detailed instruction in the administration of chemical analysis equipment and are certified in its operation by the North Carolina Department of Health and Human Services under North Carolina General Statute 20-139.1.

Efforts in the area of targeted enforcement pertaining to DWI violations will include:

- Assignment of personnel at the times and locations where significant numbers of violations and/or collisions involving impaired drivers have occurred
- Targeted surveillance of roadways with a high frequency of collisions involving impaired drivers occur
- Analysis of specific data about DWI violations by the Crime Analyst and the dissemination of analysis to police officers
- Targeted roadway checks for deterrence purposes
- Enforcement of drunk driving laws through concentration on existing laws and the expeditious processing of violators

61.1.11 ARREST AND PROCESSING OF IMPAIRED MOTORISTS

CALEA Standard: 61.1.11

The State of North Carolina has established impaired driving offenses as "implied consent" offenses. For the purposes of this directive, an "implied consent offense" is any offense involving impaired driving or an alcohol-related offense made subject to the implied consent provisions.

The first step in the effective enforcement of Driving While Impaired (DWI) violations is the detection of those motorists under the influence of alcohol and/or other intoxicants. Police officers engaged in DWI enforcement should be mindful of the strict legal limitations surrounding the apprehension of impaired subjects and the scope of authority as it relates to enforcement.

A police officer's observations are crucial in establishing the requisite probable cause necessary to arrest a motorist for a DWI violation. Police officers must rely on their formal training and experience in this area, putting particular emphasis on those driving actions that give rise to the police officer's belief that a motorist is driving while impaired. Police officers should keep detailed notes of a violator's driving actions that establish probable cause. After a decision has been made to stop a motorist suspected of driving while impaired, a police officer shall follow the procedures for initiating a misdemeanor vehicle stop.

When the police officer is establishing probable cause for a DWI arrest, the police officer shall:

- Interview the driver and establish that the driver was or is in control of the vehicle
- Note any observations that add to the suspicion of intoxication and/or impairment. (e.g. slurred speech, red or "glassy" eyes, clothing in disarray, etc.)
- Request the driver to submit to a field sobriety test at a safe location and out of traffic

When a police officer has reasonable grounds to believe a driver has consumed alcohol and has committed a moving traffic violation or has been involved in a collision, or has committed an implied consent offense, the police officer may request the driver submit to an alcohol screening test in accordance with North Carolina General Statute 20-16.3. All screening devices used must be approved by the North Carolina Commission of Health and

Human Services and used according to established procedures. (Requiring a person to submit to such a test is not an arrest.)

When a driver is arrested for DWI and asked to submit to a chemical analysis to determine their alcohol concentration, the driver must be requested to sign a rights form before the analysis is made. The document, "Rights of Person Requested to submit to a Chemical Analysis to Determine Alcohol Concentration under General Statute 20-16.2(a) Form", must be used to inform the driver of the driver's rights.

Right to Chemical Analysis

Police officers shall be aware of a driver's right to a request a chemical analysis prior to being charged whenever a driver is stopped or questioned by a police officer concerning the commission of an implied consent offense under North Carolina General Statute 20-16.2(1). The driver must make the request prior to being charged. The police officer must honor the pre-charge request only if a chemical analyst is available.

The request constitutes the driver's consent to be transported to the test site by the police officer. If the driver refuses to be transported by the police officer, the driver's request to take the test is considered withdrawn. If this occurs, and the police officer has probable cause to believe an implied consent offense was committed, the police officer should charge the driver with DWI and follow the procedures outlined in this directive for processing a driver charged with an implied consent offense.

When a driver requests a pre-charge test and the test results indicate a blood alcohol content of 0.08 percent or higher, (.04 for commercial drivers), the driver shall then be charged with the implied consent offense. The results of this test will be admissible as evidence and may be used against the person for an implied consent offense. If the driver then fails to cooperate at any time during the pre-charge testing, the officer may place a charge for any offense of which he has determined probable cause.

Arrest Following Establishment of Probable Cause

When the police officer has established probable cause that a driver has violated the DWI law, the police officer shall arrest the driver following Departmental arrest procedures and request the driver to submit to a chemical analysis in accordance with North Carolina General Statute 20-16.2. If the charging officer is not a chemical analyst, the driver will be taken before a chemical analyst who has been granted a valid permit by the North Carolina Department of Health and Human Services under North Carolina General Statute 20-139.1(b), to perform chemical analysis of a person's breath.

The following list cites the appropriate North Carolina General Statutes concerning impaired driving. Police officers should refer to Chapter 20 of the General Statutes of North Carolina for the elements of each offense:

- NCGS 20-138.1 Impaired driving
- NCGS 20-138.3 Driving by provisional licensee after consuming alcohol or drugs
- NCGS 20-12.1 Impaired instruction
- NCGS 20-141.4(A1) Felony death by vehicle

DWI RESULTING IN DEATH OR SERIOUS INJURY

When a police officer suspects a death has, or may, result from a DWI, (for example, when an injured person is removed from a collision scene involving a drunk driver), then the police officer shall charge the offender with DWI so that implied consent statute, North Carolina General Statute 20-16.2, may go into effect and the chemical analysis can be obtained.

The police officer shall obtain a determination of the victim's condition and chances of survival as soon as possible. If a victim lingers near death, the police officer shall inform and consult with the District Attorney so that the DWI charge will not be adjudicated until the condition of the victim is finally determined. The police officer shall consult with the District Attorney whenever a death results from a DWI since the DWI is an element of the felony death by vehicle charge.

In cases where a felony death by vehicle charge is pending, or possible, and a driver charged with DWI refuses to submit to an analysis of breath test, the charging officer shall seek a warrant to require the offender to submit to a blood test, under North Carolina General Statute 20-16.2c.

Administering Chemical Analysis

Under North Carolina General Statute 20-16.2, any person who drives a vehicle on a highway, street, or public vehicular area who is “charged” (need not be “arrested” only “cited”) with an implied consent offense is considered to have given consent to submit to a chemical analysis. DWI laws do not apply to persons riding animals or riding animal-drawn vehicles.

The charging officer may also be a chemical analyst. If the charging officer is a chemical analyst, he/she may administer the chemical analysis. If the charging officer is not an authorized chemical analyst, before the charging police officer may request a driver to submit to any chemical analysis, the charged person must in all cases, including those where a blood test is requested, be taken before a chemical analyst authorized to administer a test of a person’s breath, who must inform the person orally and also give the person a notice in writing of the person’s implied consent rights. The “Rights of Person Requested to Submit to a Chemical Analysis to Determine Alcohol Concentration Under General Statute 20-16-2(a) Form” must be used.

A driver may be given a blood test, or other chemical analysis without being advised of the implied consent rights if the driver is unconscious or, otherwise, incapable of refusal as long as the charging police officer has reasonable grounds to believe the driver has committed an implied consent offense. Implied consent provisions do not alter a police officer’s right to apply for a search warrant authorizing seizure of a blood sample. Police officers shall use the following guidelines for test selection.

BLOOD TEST – Withdrawal of blood must be by a nurse, doctor, qualified technician, etc., in accordance with North Carolina General Statute 20-139.1(c). The charging police officer shall obtain the identification of the person drawing the blood. The person drawing the blood may require written confirmation of the police officer’s request. The person drawing blood is protected from civil liability.

Two samples of whole blood shall be collected in airtight vials. The drawing of the blood must be observed by the charging police officer. The police officer will take custody of the blood samples. Collected blood samples will be submitted to the North Carolina State Bureau of Investigation Crime Laboratory in Raleigh for analysis.

The police officer will request submission to a blood test when:

- Transporting the offender to the breath analysis facility is impractical due to the offender’s physical condition.
- The breath analysis instrument is not operating properly, preventive maintenance has not been performed, or the simulator solution has expired.
- At the time of arrest, there is reason to believe that the offender is under the influence of narcotics or dangerous drugs, or other controlled substances.

BREATH TEST – The breath test will be conducted by a chemical analyst having a valid permit issued by the North Carolina Department of Health and Human Services pursuant to analysis approved by the North Carolina Commission for Health Services pursuant to North Carolina GS 20-139.1. The breath test will be conducted following the procedures for analysis approved by the North Carolina Commission Health Services pursuant to North Carolina GS 20-139.1. All information recorded on the test record card will be entered by the chemical analyst.

The police officer will request submission to a breath test when:

- The offender is physically capable of being transported to the chemical analysis room
- The certified chemical analyst is available to perform the test and the breath analysis instrument is available and in operating condition
- At the time of the arrest, the police officer believes the offender is solely under the influence of alcohol.

ADDITIONAL TESTS - When a driver submits to the implied consent chemical analysis and indicates he/she wants to have an additional test administered, the charging police officer must assist in contacting a person to give the test in accordance to North Carolina General Statute 20-139.1(d). Allowing the driver to use the telephone is sufficient, citing *State vs. Bunton*, 27 N.C. Appeal 705 (1975). The person who comes to give an additional test must be allowed access to the defendant.

All chemical analyses shall be conducted in accordance to North Carolina GS 20-139.1. The following rules shall be observed in the chemical analysis room:

- No smoking
- No food or drinks
- If the charging police officer is not a chemical analyst, he/she will introduce the arrestee to the chemical analyst. The charging police officer will not leave the presence of the arrestee without permission of the chemical analyst.

When a charging officer and a chemical analyst are involved, the charging police officer will be responsible for the following:

- Citation(s)
- Alcohol Influence report form
- Affidavit and Revocation Report of Charging Police Officer
- Driving while impaired report
- Operator's license record check
- Court testimony sheet (optional)
- Request for blood sample (if applicable)
- Request for pre-charge chemical analysis (if applicable)
- Chain of Custody form (if applicable)
- Arrest report
- Fingerprinting and photographing of the arrestee (if applicable)
- Blood kit
- SBI form (if applicable)
- Property sheet

When a charging officer and a chemical analyst are involved, the chemical analyst will be responsible for the following:

- Ensuring the preventative maintenance is current on the instrument
- Conducting the test(s) in accordance to North Carolina GS 20-139.1 and the approved procedures for analysis of the North Carolina Commission for Health Services
- Advising the person requested to submit to a chemical analysis to determine alcohol concentration of his/her rights under North Carolina General Statute 20-16.2(a).
- Completing the affidavit and revocation report of chemical analyst
- Testifying as required for chemical analyst (optional)

Juveniles

The same procedures shall be followed for a juvenile 14 years of age or older as for an adult with the following exceptions:

- The charging police officer shall notify the juvenile's parents or legal guardian of the juvenile's custody and request that they meet the police officer at the appropriate location. Where the juvenile will be released to them once the approved test has been administered.
- If the parent or legal guardian cannot be located or does not respond, the juvenile, after the administration of the test, shall be held until a determination can be made by either the N.C. Juvenile Division, Department of Social Services or District Court Judge.

Procedures Following a DWI Arrest

The charging police officer will transport the driver to the magistrate's office. Both the charging police officer and the chemical analyst will respond to the magistrate's office to be sworn to their respective affidavits concerning the arrest. All applicable reports are to be filed with the judicial official conducting the initial appearance at the magistrate's office. All procedures following a DWI arrest, including initial appearance, shall be in accordance with North Carolina General Statutes 15A-511 and 15A-534.2

The chemical analyst shall appear in court for testimony when a subpoena is issued. Chemical analysts do not normally appear in district court cases. Chemical analyst should be prepared to appear in felony and superior court cases.

61.1.12 REQUEST FOR RE-EXAMINATION

CALEA Standard: 61.1.12

Police officers, who identify a driver appearing to be incompetent, physically or mentally disabled, suffering from a disease, or other condition that prevents the motorist from exercising reasonable and appropriate care over a motor vehicle, can request that notification be made to the Department of Motor Vehicles for reexamination of said driver pursuant to North Carolina General Statute 20-17.1. The police officer should submit a "Request for Re-examination" (HP-640 Form) detailing the following:

- Any physical defects (describe in detail)
- All information that indicates good cause for re-examination
- Copies of all related reports and citations

61.1.13 PARKING ENFORCEMENT ACTIVITIES

CALEA Standard: 61.1.13

Police officers and parking enforcement personnel shall enforce parking regulations in accordance with the General Statutes of North Carolina, Chapter 20, and the CODE OF ORDINANCES OF THE CITY OF GREENVILLE, Section 10. Police officers should be aware some participants in the Greenville Police Department's volunteer service program are authorized to enforce the parking law and issue City Code citations for the misuse of parking spaces specifically designated for handicapped parking. Parking Enforcement activities include the following elements:

- *Peak Traffic Hours* – Parking enforcement personnel normally concentrate enforcement efforts in the central business district and the areas surrounding East Carolina University during peak traffic hours from Monday through Friday, 6:30 a.m. until 4:30 p.m. The patrol division enforces parking laws at all times, every day.
- *Tow-Away Zones* – Signs have been erected to indicate tow-away zones. A parking citation will be issued to violators and the vehicle will be towed. If the operator of the vehicle returns to the vehicle before the arrival of a tow truck or before the tow-truck hooks up to the vehicle, the vehicle will not be towed.
- *Time Zone Control* – Parking in time zones is controlled by the use of parking meters and tire markings in the central business district. Parking enforcement personnel use tire markings to enforce the two-hour parking limit in residential sections. Violators will be issued parking citations, and vehicles will be towed when required. Police officers should be aware that residents living in areas where there is controlled residential parking can purchase a parking decal from the City of Greenville. The parking decal allows parking in excess of two hours.
- *General Surveillance* – Police officers should be alert to parking violations they observe while on patrol and take appropriate action.
- *Vehicle or Foot Patrol* – Parking enforcement personnel use both vehicles and foot patrol to enforce parking laws and ordinances.
- *Temporary No Parking Zones* – Parking enforcement shall enforce temporary no parking zones established by the Chief of Police or designee.

61.2.1 COLLISION SCENE RESPONSE, INVESTIGATION, REPORTING, AND ON SCENE RESPONSIBILITIES

CALEA Standard: 61.2.1, 61.2.2, 61.2.3

Collision Response and Investigation

A minimum of one Greenville police officer will respond, take a report, and investigate all collisions reported within the jurisdiction of the Greenville Police Department. Additional police officers will respond to collisions to assist the investigating officer as required. The agency shall respond without delay to all collisions that involve the following:

- Death or injury
- Hit and run
- Impairment of an operator due to alcohol or drugs
- Damage to public vehicles or property
- Damage to private vehicles or property
- Hazardous materials
- Disturbances between principals
- Major traffic congestion as a result of the accident
- Damage to vehicles to the extent towing is required

The Chief of Police shall have the authority to suspend investigations of traffic collisions during designated times of emergency to include:

- Natural disasters
- Civil disturbances
- Other emergencies

Police officers assigned to investigate traffic collisions should take enforcement action whenever a violation of the laws of North Carolina or the Ordinances of the City of Greenville causes a collision, or when a driver involved in a collision is otherwise in violation of the laws or ordinances. The appropriate enforcement action may include:

- Written warnings
- Issuance of citations
- Physical arrest

Collision Reporting

All Greenville Police Officers assigned to investigate traffic collisions occurring within the jurisdiction of the Greenville Police Department shall complete the NORTH CAROLINA CRASH REPORT FORM (DMV – 349). Police officers should refer to the GREENVILLE POLICE DEPARTMENT FIELD REPORTING MANUAL for specific instructions on completing these forms. The Greenville Police Department does not use an abbreviated collision report form.

In minor, non-injury collisions involving less than \$1,000 property damage, and when all parties involved (drivers, passengers, and property owners) desire that no report be taken, the police officer assigned to the collision is not required by North Carolina General Statute to complete the collision investigation report. However, it is the policy of the Greenville Police Department to require officers to complete reports on all collisions to which they respond. The criteria for investigating traffic collisions occurring on private property shall be the same as those for investigating other collisions as outlined in this directive.

Police officers shall neither advise nor encourage, any person involved in a collision to forgo the completion of a collision investigation. Police officers shall assist all persons involved in a collision with the exchange of pertinent driver/insurance information by providing exchange slips for each driver.

Collision Scene Responsibilities

It is the responsibility of the first police officer arriving on the scene of a collision to provide the following services until properly relieved:

- Administer emergency first aid and basic life support to the injured

- Summon ambulance and/or additional assistance for the injured
- Protect the collision scene
- Preserve short-lived evidence
- Establish a safe traffic pattern around the scene
- Locate witnesses and record collision information
- Expedite the removal of vehicles, persons, and debris from the roadway

The police officer assigned to complete the collision investigation shall be the officer in charge of the collision scene. The officer in charge of the scene shall cooperate and provide assistance to EMS, Fire Department, and other emergency personnel as the circumstances of the collision require.

Greenville Police Department Policy and Procedures Manual, Chapter 41, *Patrol*, lists the equipment to be included in all patrol vehicles for responding to collisions and other emergencies.

Property Belonging to Collision Victims

The police officer in charge of the collision scene shall be responsible for taking control of property belonging to collision victims when the victims are not able to take care of the property. If the police officer in charge of the collision scene cannot immediately release the property to a collision victim or member of the victim's family, the police officer shall store the property in the Property and Evidence Room at the Greenville Police Department following the procedures for submission of property and evidence to the Property and Evidence Custodian as outlined in Chapter 84 of the Greenville Police Department Policy and Procedures Manual.

Collecting Collision Scene Information

The police officer assigned to investigate a traffic collision shall collect the information necessary to complete the required NORTH CAROLINA CRASH REPORT FORM (DMV-349) by the following methods:

- Interview principals and witnesses as indicated by the instruction for the N.C. Crash Report Form
- Examine/record vehicle damage as indicated by the instructions for the N.C. Crash Report Form
- Examine/record effects of collisions on the roadway as indicated by the instructions for the N.C. Crash Report Form

MEASUREMENTS – Police officers will take and record collision scene measurements for all collision investigations except:

- Collisions where vehicles involved have been removed to a different location (Not just moved from the roadway) for example when a collision occurs on a PVA and the vehicles were driven to the police station.
- Collisions where a significant time lapse has occurred between the collision and the report of the collision. For example when a collision occurred one day and is reported the following day.

DIAGRAMS - Police officers will make diagrams for all collision investigations. When scale diagrams are not practical, the investigating police officer should indicate on the crash report that the diagram is not to scale.

PHOTOGRAPHS – Photographs shall be taken at collisions involving city vehicles, collisions involving on-scene fatalities, collisions where the potential for a fatality is obvious to the investigating officer, and other scenes if deemed necessary by the investigating officer.

COLLECTING/PRESERVING EVIDENCE – Police officers will collect available evidence from collisions involving on-scene fatalities or where potential for a fatality is obvious to the investigating police officer. In other collisions situations, police officers should consider the nature of the collision and make a determination based on their use of discretion as to the collection of physical evidence. Police officers will follow established policies and procedures for the collection, preservation, and submission of evidence as outlined in the Greenville Police Department Policy and Procedures Manual, Chapter 83, *collection and preservation of evidence* and GPD FIELD REPORTING MANUAL. The City of Greenville has external video cameras that are placed throughout various locations in the city. The video data stored on the cameras has the potential to be used as evidence in civil and criminal matters. The Department's point of contact for the retrieval of any video data from the City's external camera system is the Court Liaison Officer. All requests for video data from this system shall be directed to the

Court Liaison Officer and employees should refer to *SOP 83.1.2 External Camera Data Retention & Retrieval* for guidelines on retrieving video data.

EXCHANGING INFORMATION AMONG PRINCIPALS – Police officers will complete Driver Exchange Slips or the equivalent for all principal involved in the collision.

Collision Scene Conditions

For each circumstance listed below, the following collision scene procedures will apply:

INJURIES – Until relieved by EMS personnel, police officers should provide emergency first aid and/or basic life support (not to exceed the level of training received by the police officer) to injured persons whenever possible without endangering the life of the police officer. Police officers shall notify the Communications Center if additional EMS personnel or police officers will be required to respond to the collision scene.

FIRE HAZARDS – Police officers shall assess the fire hazard and determine if it can be suppressed by using a fire extinguisher. If the fire cannot be suppressed by the police officer, the police officer shall notify the Communications Center of the situation. Police officers should attempt to extinguish the fire, if they can do so without endangering themselves or others, until relieved by Fire Department personnel.

HAZARDOUS MATERIALS - Police officers responding to collisions involving possible hazardous material spills shall be responsible for securing a perimeter around the scene, evacuating all persons from within the perimeter, and notifying other responding units that a possible hazardous material spill has occurred.

Because Greenville Police Officers are only trained on Hazardous Materials Awareness and do not have proper protective gear, officers shall not attempt to approach the scene of a verified hazardous material spill. To the extent possible officers should remain upwind at a distance of at least 500 feet and wait for response from the fire department, thus avoiding exposure of all gases, fumes, and smoke.

The police officer should attempt to identify the material by the container placard, container labels, shipping papers, and/or knowledgeable persons at the scene if possible, but shall not enter the perimeter in the attempt. The use of binoculars, interviewing the driver away from the scene, or viewing papers the driver may have on his person are all possible means of identification.

The police officer shall request Fire/Rescue personnel to respond to the collision scene. Hazardous material situations are usually under the direction and control of the Greenville Fire/Rescue; therefore, Greenville Police Department personnel shall coordinate their efforts with Fire/Rescue personnel.

All Greenville Police Department Field Operations Bureau vehicles are assigned a U.S. Department of Transportation EMERGENCY RESPONSE GUIDEBOOK. This guidebook is designed to assist in making initial decisions upon arriving at the scene of a hazardous materials incident. All Greenville police officers should familiarize themselves with the guidebook and how to use it.

Computerized hazardous materials files are accessible through the DCI computer terminal. These files are maintained by the National Sheriff's Association computer system with updates provided by the U.S. Department of Transportation. Computerized hazardous materials files give DCI terminal operators the capability of receiving information on hazardous materials that a vehicle may be transporting. Every response also directs the user to contact CHEMTREC at 1-800-424-9300 if an actual emergency exists.

61.2.2 COLLISION INVESTIGATION FOLLOW-UP PROCEDURES

CALEA Standard: 61.2.4

Police officers assigned to investigate traffic collisions may temporarily suspend an investigation pending follow-up activities to develop additional information or evidence to include:

- COLLECTING OFF-SCENE DATA – Driver's history information; vehicle title, registration, insurance or other status information; other necessary information and data.
- OBTAINING/RECORDING FORMAL STATEMENTS FROM WITNESSES – Person hospitalized from injuries; drivers, passengers, and other witnesses not immediately available for interview
- RECONSTRUCTING COLLISIONS
- PREPARING FORMAL REPORTS TO SUPPORT ANY CRIMINAL CHARGES ARISING FROM THE COLLISION

Use of Expert or Technical Assistance

Police officers assigned to investigate traffic collisions are authorized to seek expert and technical assistance from sources within the Greenville Police Department and from other normally available resources. Police officers should consider the nature of the collision when seeking external technical assistance. For example, while it would be appropriate to have paint chips submitted for laboratory analysis in collisions involving a hit and run fatality, it would not be appropriate to have paint chips submitted for laboratory analysis from a collision involving minor property damage only. Appropriate expert and technical assistance may include but is not limited to:

- Laboratory analysis of evidence from collisions
- Mechanical inspections of vehicles or vehicle parts
- Accident reconstruction assistance from qualified individuals or agencies

Collision Classifications

The Greenville Police Department uses the State of North Carolina collision classification system as found in the MANUAL ON CLASSIFICATION OF MOTOR VEHICLE TRAFFIC CRASHES. Collision classifications include:

- Property damage
- Personal injury
- Fatality
- Pedestrian
- Car – train
- Fixed object
- Motorcycle
- Moped

61.2.3 DEPARTMENTAL MOTOR VEHICLE COLLISIONS (SOP 61.2.3)

Greenville Police Department sworn officers and employees who are assigned department vehicles will receive training in proper driving techniques to minimize the frequency of motor vehicle collisions involving department vehicles. The Department will hold accountable those employees who are involved in an avoidable motor vehicle crash while correcting any identified driving related deficiencies through additional training, guidance, counseling and, if appropriate, disciplinary procedures.

All department employees operating a departmental vehicle will report immediately any motor vehicle collision they are involved in, regardless of duty status, injury, or amount of damage, to an on-duty Patrol Division supervisor. Employees shall make no statements regarding the fault or cause of the crash except to the investigating officer, supervisor, risk manager, or other appropriate departmental or city official. An on-duty supervisor will respond to the scene of any departmental motor vehicle collision to ensure that a thorough crash investigation is conducted, to include a complete motor vehicle crash report, eyewitness interviews, photographs, measurements, and any additional collection of evidence. The on-duty patrol Division supervisor will be responsible for assigning an appropriate officer to the crash investigation or for contacting the on-call member of Command Staff. The on-call member of Command Staff will make the decision to contact the North Carolina State Highway Patrol Office.

Traffic collisions involving non-ranking or non-sworn police personnel shall be investigated by a member of the Traffic Safety Unit or by an on-duty supervisor. SOP 61.2.3, Attachment A details further guidelines and procedures

to be followed by departmental personnel investigating an employee who was operating a departmental vehicle and was involved in a collision.

61.3.1 LICENSE PLATE READER

The automated License Plate Reader (LPR) is intended to enhance the Department's ability to locate stolen vehicles and any other vehicle-related crimes. Therefore, guidelines have been established to ensure that each LPR is used in a manner consistent with Departmental policy and to establish the responsibilities of the LPR operator and Coordinator. Refer to *SOP, License Plate Reader* for specific guidelines and procedures.

61.3.2 TRAFFIC DIRECTION AND CONTROL

CALEA Standard: 61.3.2

Greenville Police Department personnel shall perform traffic direction and control functions as necessary to provide for the safe, efficient, and effective flow of traffic throughout the City of Greenville. Manual traffic direction and control functions are performed by sworn Greenville Police Department personnel, Parking Control personnel, and other authorized and trained personnel as designated by the Chief of Police.

Uniformed police officers shall be assigned to carry out manual traffic direction and control functions only at those times and places where law enforcement authority and/or human intervention is required to ensure the safe and efficient flow of traffic. Manual traffic direction may be used where traffic control signals or devices are inadequate, not present, or not working. Emergency conditions may necessitate manual traffic control and direction.

The North Carolina Department of Transportation and the City of Greenville Traffic Services Division share responsibility for maintaining traffic control signals, devices, signs, and markers in accordance with the Federal Highway Administration's MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, and supplements prepared by the North Carolina Department of Transportation, Division of Highways.

Procedures for Manual Traffic Direction

The position selected to direct traffic must be suited to the particular intersection and traffic patterns. It must command a full-view of the intersection and the approaches. The police officer must be visible to the motorists and to the pedestrians. Usually, police officers assigned to traffic control will select a position in the center of the intersection or at one of the corners.

The center of the intersection position:

- Gives greatest visibility
- Is the most hazardous
- Is usually selected when the signals are not working or the flow of traffic is slow
- Should be avoided if it places the police officer in the flow of traffic or leaves little clearance between the vehicles

The corner position:

- Should be used where there is heavy pedestrian crossing or where the flow of traffic can be regulated by a police officer standing a few feet off the curb line
- Affords the police officer greater personal safety and better pedestrian control

SIGNALS AND GESTURES FOR DIRECTING TRAFFIC

Posture communicates the fact that the police officer is in command of the situation. The police officer should assume a military bearing, with weight evenly distributed on both feet. When not engaged in signaling motorists, the police officer should stand at ease facing traffic and with hands at the side. When directing traffic, the shoulders should be in line with the flow of traffic and the police officer's attention must be directed to the vehicular movements.

Prompt compliance to hand signals is dependent upon the police officer's ability to use uniform, clearly defined, and understandable gestures. Control of intersections does not call for complicated choreography or wild arm movements. Improper hand signals may cause confusion, hesitation, and traffic collisions. The following standardized signals and gestures should be used when directing traffic:

- The first general rule of traffic control is for the police officer to stand with the sides of the body parallel with the traffic being allowed to move. The police officer's back will then be toward the stopped traffic.
- To stop traffic, two motions are used. First, point with the arm and finger straight at the driver who is to stop. Watch the driver and hold this point until the driver sees the signal, or at least as has plenty of time to do so. Then raise the pointing hand (not the entire arm) so that the palm is toward the driver. Hold this position until the driver stops.
- Stop traffic from both directions to give traffic on the cross street a chance to move. Stop the traffic coming from one side first, then from the other. After traffic has been halted with one hand, hold that hand on the stop position and turn to the other side and repeat the process. Do not lower either arm until cars coming from both directions have stopped.
- To start traffic, be positioned so that the side is toward the traffic to be started. Point with the arm and finger toward the car you want to start. Hold it until the driver's attention is attained. Then, with palm up, swing the hand up and over the chin. Bend the arm only at the elbow. If the driver does not move, make the signal a second time. After traffic has been started from one side, drop the arm and start traffic from the other side in the same way. Use the signals to give the "go ahead" to slow and timid drivers.
- Right turn: Signals for a right turn usually are not required at an intersection. When it is necessary, the arm to be signaled with will be determined by the car's direction. If the car approaches from the right, point toward the driver with the right arm. Give the driver time to see the gesture and then swing the arm and finger to point in the direction the driver is to go. Keep pointing in that direction until the driver begins the turn.
- Left turn: In helping a driver make a left turn, the vehicle may need first to be stopped. Next, hold the opposing flow of traffic. If the turning vehicle is approaching from the police officer's left, the stop signal to opposing traffic should be given with the right arm and such stopped vehicles should be kept out of the path through which the turning vehicle will travel. When safe to do so, the turning gesture should be given with the left arm. Clearly indicate to the driver turning left to pass in front or inside of the police officer and not to turn out and around.
- If the car approaches from the right, turn around and face toward the direction the car making the turn is to go. Halt the traffic with the right arm and give the turning gesture with the left as described above.
- If opposing traffic from both directions is to make left turns, indicate so by swinging the other arm in the direction of the turn. However, such turns can be dangerous and must be watched carefully by the police officer to see that no conflict arises from the straight through traffic or pedestrians.

SIGNALING AIDS

Whistle

The police officer shall use the whistle to get the attention of drivers and pedestrians. The police officer should be sensible in the use of the whistle at all times. Whistle blasts directed toward pedestrians usually need not be as shrill as those to command attention of motorists. The whistle should be used as follows:

- One long blast with a STOP signal
- Two short blast with the GO signal
- Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal

Verbal Commands

Verbal commands are seldom used in directing traffic. Arm gestures and the whistle usually are sufficient. There are many reasons why verbal commands are not used. They are not easy to give or understand, and often lead to misinterpretations that are dangerous. An order shouted can antagonize a motorist. Occasionally a driver or pedestrian will not understand arm signals. When this happens, move close to the person and politely and briefly explain the command.

Illuminated Baton (Flashlight w/Traffic Wand)

The baton is helpful in making signals and gestures at night or during bad weather when visibility is low.

To STOP a vehicle with the baton, face the moving line of traffic, standing slightly aside from its direct path. Hold the baton in the right hand in front of you with the elbow bent. The baton now is in a vertical position, and should be swung or wig-wagged from the left to the right side of the body in an arc of about 45 degrees.

The GO signal is given in the normal manner. Turn the body parallel to traffic that is to be moved and give the normal GO arm movement. When executed properly, the signal will give added STOP emphasis to opposing cross traffic.

To permit a left turn movement after stopping opposing traffic, point the lighted end of the baton to the car that is to make the turn. Next swing the baton in an arc toward the direction of the left turn movement. This signal also may have to be repeated. The light in the baton should be turned off when signals are not being made.

Flashlight

The flashlight can be used to halt traffic in an emergency, but it is a poor substitute for a baton. To stop traffic, slowly swing the flashlight at arm's length across the path of the approaching car. The beam from the flashlight strikes the pavement as an elongated spot of moving light seen by the motorist. Do not stand directly in front of the approaching car. After the motorist has stopped, give arm signals in the usual manner. Illumination of headlights will make them visible.

Highway Flares

Improper use of highway flares at a disaster scene can cause vehicles to become involved in collisions. The primary objective is to provide oncoming traffic with ample warning of danger ahead so that defensive tactics may be employed to negotiate the scene safely. By giving approaching traffic ample warning and allowing sufficient distance in which to start taking defensive measures, hazards can be reduced at a collision scene.

In ANY speed zone where flares are used to CHANNEL traffic from one lane to another, place them 20 feet apart. This eliminates any doubt in the mind of the motorist about what is expected, and it will lessen the possibility of any motorist driving between flares into the wrong traffic lanes. The following table is the MINIMUM distance away from the disaster scene at which a line of flares should be started. Note that the distance at which oncoming traffic receives its first warning is dependent upon the speed limit on the roadway being traveled.

- 55 mile zone- 375 feet warning-then every 40 feet to scene
- 45 mile zone-300 feet warning-then every 40 feet to scene
- 35 mile zone-200 feet warning-then every 30 feet to scene

Handle flares carefully. The flare burns at 1500 degrees Fahrenheit and can damage uniforms and burn flesh severely. Also, plastic lane dividers will melt if a flare is placed on or near them.

Two Police Officers Directing Traffic

Sometimes there is a need for more than one police officer at a busy intersection. One police officer must originate all signals and gestures. One police officer is the leader and makes all the decisions while the other police officer assists by coordinating with and extending signals.

Use of High Visibility Clothing While Directing Traffic

The Greenville Police Department shall issue high visibility vests to all sworn police personnel. When directing traffic, Greenville Police Department personnel shall wear their Department issued high visibility vest or other OSHA/DOT approved high visibility clothing as the outer most garments.

Manual Operation of Traffic Control Devices

Greenville Police Department personnel are authorized to operate traffic signals through the use of manual traffic devices after authorization from the Traffic Safety Unit or a supervisor. Proper use of these devices can be conducted through roll-call training. In the event manual traffic control is needed at an intersection having a traffic signal, the traffic lights may be switched to a flashing mode in conjunction with a police officer directing traffic. The on-duty supervisor should be notified that the traffic signal has been switched to a flashing mode.

If it is determined that a traffic signal is malfunctioning in the automatic mode, and traffic conditions do not warrant manual traffic control, the traffic lights may be switched to a flashing mode. The Communications Center and the on-duty supervisor shall be notified of the malfunction and that the traffic lights are in the flashing mode. Communications Center personnel shall attempt to contact the appropriate maintenance personnel.

Temporary Traffic Control Devices

The on-duty Platoon Commander, other designated Field Operations Bureau personnel, or the designated event/incident commander shall be responsible for ensuring that temporary traffic control devices are placed into service or removed as necessary. The Greenville Police Department may use temporary traffic control devices to assist in the safe and efficient movement of vehicular or pedestrian traffic in some situations to include:

- Special events
- Sustained power outages
- Traffic collision scenes
- Other situations as deemed appropriate by supervisory personnel

Traffic Direction and Control at Collision Scenes

Police officers assigned to investigate traffic collisions shall ensure that traffic approaching the collision scene is routed around the collision by using manual direction, flares, traffic cones, and the position of the patrol vehicle to direct and control the traffic flow as necessary. Police officers requiring assistance with traffic control should request that the Communications Center dispatch additional police officers to the collision scene.

Traffic Direction and Control during Special Events

Prior to a special event, the Field Operations Bureau Commander or the designated event commander shall ensure that a contingency plan for traffic direction and control is developed and in place. Traffic direction and control plans should address the following problems and special circumstances:

- Ingress and egress of vehicles and pedestrians
- Provisions for parking
- Spectator control
- Public transportation
- Provisions for relief of police officers assigned to point control duties
- Provisions for news media
- Alternate route for through traffic
- Temporary traffic controls and parking prohibitions
- Emergency vehicle access

Traffic Direction and Control at Fire Scenes

North Carolina General Statute 20-114.1(b) authorizes fire and rescue personnel (paid and volunteer) to perform traffic direction and control duties at the scene of fires, collisions, or other hazards in connection with their duties. In most instances within the jurisdiction of the Greenville Police Department, traffic direction and control at fire scenes will be the responsibility of Greenville Police Department personnel. Greenville Police Department personnel assigned traffic control duties at a fire scene shall coordinate their efforts with fire officials. Greenville Police shall, however, maintain control over traffic direction. Traffic direction and control at fire scenes should be conducted so that:

- Unauthorized traffic is prohibited from entering the fire area
- Vehicles behind the established traffic control point are assisted in leaving the fire area
- Fire and rescue vehicles and other authorized vehicles are provided access to and from the fire scenes

Traffic Direction and Control during Adverse Conditions

Greenville Police Department personnel may be required to perform traffic direction and control duties when adverse or hazardous road or weather conditions exist. Examples of such conditions include:

- Bad weather occurrences such as fog, snow or ice on the roadway, flooding, etc.
- Accidental hazards such as downed trees, debris in the roadway, etc.
- Engineering hazards such as road construction, traffic light repair, downed power lines, etc.

When adverse conditions exist, the on-duty Platoon Commander or Field Operations Bureau Commander shall:

- Determine what traffic control measures should be taken, to include manual control or the use of temporary traffic control devices, and implement those measures
- Ensure that appropriate agencies (NCDOT, Public Works, Utilities) are notified

61.3.3 VEHICLE ESCORTS

CALEA Standard: 61.3.3

Escorts for Emergency Vehicles

Police officers shall not initiate an emergency vehicle escort without first receiving clearance from the on-duty Platoon Commander. Greenville Police Department personnel shall not provide escorts for emergency vehicles under normal circumstances. Exceptions may include:

- The emergency equipment on an emergency vehicle is malfunctioning
- The driver of an emergency vehicle is not familiar with the area and requests assistance to the destination

Non-Emergency Escorts

Requests for non-emergency escorts should be made in advance and directed to the Field Operations Bureau Commander for consideration on a case-by-case basis. Situations that potentially pose a risk to the motoring public's safety may necessitate a non-emergency escort. Such situations may include:

- Parades
- Oversized loads or equipment
- Special events

When a request for a non-emergency escort is approved, the Field Operations Bureau Commander or a designated supervisor shall plan and oversee the escort. The Field Operations Bureau Commander or the designee shall assign personnel as necessary to provide the escort and provide any other traffic control functions necessary to complete the escort. Factors to be considered when planning and conducting an escort include:

- Type of escort
- Route to be taken
- Speed and length of escort
- Expected traffic conditions

Funeral Escorts

The Greenville Police Department Policy and Procedures Manual, Chapter 41, *Patrol* sets forth procedures to ensure that all requests for funeral escorts are addressed in a proper and expedient manner. (Also refer to, SOP 41.5.1, Funeral Escorts)

Escorting Civilian Vehicles in Medical Emergencies

Greenville Police Department vehicles shall not be used to provide emergency escorts for civilian vehicles. If practical, the patient or victim should be transferred to a Greenville Fire/Rescue Emergency Medical Service (EMS)

unit. If transfer to an EMS unit is not practical, the patient or victim may be transferred to the police vehicle for transport to the appropriate medical facility. The driver of the civilian vehicle should be directed to proceed at normal speed in compliance with all traffic regulations.

61.3.4 USE OF ROADBLOCKS & ROADSIDE CHECKS

CALEA Standard: 41.2.3

For the purposes of this section, the following definitions shall apply:

- Roadside (Safety) Check – A temporary operation in which law enforcement or other authorized personnel stop some or all traffic to inspect individual vehicles or their contents, or to interview drivers.
- Roadblock: A restriction, obstruction, or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a suspect.

The Greenville Police Department may use roadside checks as an enforcement tool in situations to include:

- Routine traffic and license checks
- DWI checkpoints (outlined below)
- To locate and apprehend suspects that may be attempting to escape by means of a vehicle

The decision to establish a roadside check should be based on several factors such as the number of police officers available, the equipment needed, and the need for the roadside check when measured against the potential danger posed to public safety.

Police officers should refer to Greenville Police Department Policy and Procedures Manual, Chapter 41, *Patrol, "Motor Vehicle Pursuit"* for procedures relative to the use of tire deflating devices such as "stop sticks" as a means for stopping a fleeing vehicle.

The following additional guidelines govern the use of roadblocks by Greenville Police Department personnel.

- The use of moving or rolling roadblocks is prohibited.
- Police officers shall not establish a stationary roadblock in such a manner that provides a physical barrier across the entire width of the roadway.

Training

Training in the use of authorized roadblocks and forcible stopping will be provided periodically or as needed.

Impaired Driving Checks (Roadside Checks) N.C.G.S. 20-16.3A

An impaired driving check is a specific type of roadside check that must meet the requirements set forth in N.C.G.S. 20-16.3A. These requirements are:

- A systematic plan developed in advance for use of impaired driving checks that takes into account the likelihood of detecting impaired drivers, traffic conditions, number of vehicles to be stopped, and the convenience of the motoring public.
- Designate in advance a preset pattern for stopping vehicles and what is to be requested from each driver. This plan may include contingency provisions for altering either pattern if actual traffic conditions are different from those anticipated, but the plan cannot allow individual police officer discretion in deciding which vehicle to stop.
- Have at a minimum, one law enforcement vehicle with its blue light in operation during the conducting of the roadside check.
- The impaired driving checks must be handled by a team of police officers and never should be conducted by one police officer.

This statute does not eliminate the use of other lawful roadside checks. Police officers conducting another type of permissible roadside checks (i.e., checking driver's licenses) may, nevertheless, take enforcement action when they discover an impaired driver.

61.3.5 AUTHORITY AND RESPONSIBILITY OF SCHOOL CROSSING GUARDS

CALEA Standard: 61.3.4, 61.3.5

School crossing guards are not agents or employees of the Greenville Police Department. North Carolina General Statute 20-114.1(c) governs civilian traffic control personnel including school crossing guards. The Greenville Police Department shall honor those responsibilities outlined in General Statute 20-114.1 (c) as they relate to the Department.

Pursuant to North Carolina General Statute 20-114.1 (c), the Pitt County Board establishes the following provisions for school crossing guards:

- Selection Criteria
- Control and supervision
- Appropriate distinguishing attire
- Locations

Schools located in jurisdiction of the Greenville Police Department do not participate in student safety patrol programs.

61.3.6 TRAFFIC ENGINEERING RESPONSIBILITIES

CALEA Standard: 61.3.1

In an effort to maintain a safe and efficient street and highway system, the Greenville Police Department shall participate in data sharing with state and local traffic engineering authorities.

Traffic engineering functions of the Greenville Police Department shall be performed in conjunction with the North Carolina Department of Transportation, the City of Greenville Public Works Department Engineering Division and shall focus on the discovery and remedy of collision and congestion hazards. In cooperation with the Public Works Department Engineering Division and upon request by appropriate authorities, or as necessary, the Field Operations Bureau Commander shall ensure that the following obligations are met by the designated components of the Greenville Police Department:

- Traffic data is collected and compiled.
- Traffic surveys and studies are conducted.
- Collision and enforcement data are analyzed.
- Special reports are prepared and recommendations made concerning the efficient use of traffic control devices, new or revised laws or ordinances, and engineering improvements.
- Designated Department personnel participate in local and regional transportation system management planning. The GREENVILLE URBAN AREA METROPOLITAN PLANNING ORGANIZATION is the formal organization charged with local and regional planning.

PROVIDING DATA TO TRAFFIC ENGINEERING AUTHORITIES - Greenville Police Department personnel provide copies of collision reports and/or summaries of collisions and enforcement data to local or regional traffic engineering authorities to include the Greenville Public Works Department and the North Carolina Department of Transportation.

COMPLAINTS OR SUGGESTIONS REGARDING TRAFFIC ENGINEERING – Persons contacting Greenville Police Department personnel wishing to register a complaint or make a suggestion concerning traffic engineering deficiencies shall be referred to the City of Greenville Public Works Department Engineering Division or the Public Works Director.

61.3.7 LOCAL REGION PLANNING

CALEA STANDARD: 61.3. 6

Participation in Transportation System Planning

Upon request or invitation, the Greenville Police Department shall participate in local and regional transportation system management planning organizations. Such organizations may include:

- NC Governor's Highway Safety Program
- Pitt County Safe Communities Coalition
- Greenville Urban Bicycle Task Force
- NC Bike Safe
- Pitt County Pedestrian Safety Task Force

Traffic Safety Planning

The Greenville Police Department recognizes that enforcement is not the sole factor to consider in traffic safety concerns. Traffic engineering and education also play key roles in the overall effort to reduce injury and damage on the public roadways.

The Field Operations Bureau Commander or a designee will attend meetings with the appropriate agencies to determine any traffic safety concerns, such as the North Carolina Department of Transportation or the City of Greenville Traffic Engineering Division. Information obtained from police officers regarding highway safety is forwarded to the North Carolina Department of Transportation through Incident Base Reporting.

61.4.1 AID TO MOTORISTS

CALEA Standard: 61.4.1

General Assistance

Greenville police officers shall be alert for and, when possible, stop and assist motorists in need of aid. If a police officer observes a motorist in need of assistance, and the officer is in route to, or on a call for service, the officer shall notify the Communications Center of the motorist's location so that a police officer may be dispatched to render assistance. Types of general assistance that may be provided to motorists by Greenville Police Department personnel include:

- Providing information or directions
- Providing protection to stranded motorists
- Contacting someone by telephone through the Communications Center
- Transporting stranded motorists with approval of the on-duty platoon supervisor
- Changing flat tires
- Pushing vehicles out of the roadway

Under normal circumstances, police officers shall not provide the following types of assistance unless specifically approved by the on-duty platoon supervisor:

- Providing mechanical repairs, including jump starting or using vehicles to push start cars
- Transporting gasoline or other petroleum products
- Unlocking vehicles unless conditions exist that jeopardize an individual's safety or welfare

Police officers shall have the police vehicle's emergency lights activated while providing assistance to, or standing by with a vehicle disabled in the roadway. When assisting motorists, police officers should remain alert to these possibilities:

- The vehicle in the possession of the motorist has not been authorized for their use.
- The vehicle is in unsafe operating condition.
- The driver is impaired or otherwise not capable of safely operating the vehicle.
- The driver is not properly licensed to drive.
- The vehicle's occupants have been engaged in recent criminal activity.

Towing/Repair Services for Motorists

Police officers may assist motorists in obtaining roadside repair or towing services. When assistance in obtaining such services is requested, the officer should determine if the motorists request a specific service. If not, the officer should request the Communications Center to notify the next available service on the rotation list. Towing or repair services initiated by the motorist or at the request of the motorist do not require a Vehicle Tow Checklist.

Providing Protection to Stranded Motorists

Stranded motorists should not be abandoned when exposed to hazardous conditions. Police officers should consider traffic hazards, location, time of day, weather conditions, and priority calls for service when providing assistance to stranded motorists. Police officers may, with the approval of their supervisor, transport stranded motorists to a location where assistance may be obtained.

Emergency Assistance to Motorists

Police officers shall render all practical assistance to motorists who are involved in emergency situations.

Police officers encountering vehicle fires shall:

- Immediately advise the Communications Center of the location, type of vehicle, cargo (if applicable), and any other pertinent information.
- Request that fire/rescue personnel be dispatched.
- If possible, attempt to extinguish the fire.

Police officers encountering medical emergencies shall:

- Determine the nature of the medical emergency.
- Provide all pertinent information to the Communications Center
- Request EMS personnel when appropriate.
- Render first aid in accordance with the officer's level of training.

61.4.2 HAZARDOUS HIGHWAY CONDITIONS

CALEA Standard: 61.4.2

Roadway and roadside hazards are contributing factors in many traffic collisions. In order to mitigate these factors, the Greenville Police Department charges police officers with the responsibility to report and, when possible, correct hazardous conditions.

Conditions and situations considered roadway and roadside hazards include:

- Debris in the roadway
- Defects in the roadway
- Lack of or defects in highway safety features
- Lack of, improper, visually obstructed, or down or damaged mechanical traffic control devices and/or traffic control and informational signs
- Lack of or defective roadway lighting systems
- Vehicle abandoned or parking on or near the roadway
- Any other situation or condition that may hamper, restrict, or endanger the flow of traffic

The following guidelines shall be used to govern identifying, reporting, and correcting hazardous road conditions.

- A police officer encountering a potential hazardous condition that can easily and safely be corrected should take the necessary action to correct the situation.
- When a police officer determines that a hazardous condition requires immediate correction and is beyond the scope of the officer's abilities, the police officer shall notify the Communications Center of the situation and request the appropriate resources or assistance. The police officer shall then establish a "lane of safety" and provide traffic direction and control as necessary until the hazardous condition is corrected.
- When a police officer determines that a potential hazardous condition exists, but does not require immediate correction, the police officer shall notify the Communications Center of the nature and

location of the potential hazard. The Communications Center shall notify the proper authorities of the condition as soon as feasible.

- If a police officer encounters a situation and is unsure of the hazard potential, the on-duty platoon supervisor shall make a determination as to the course of action.

61.4.3 TOWING

CALEA Standard: 61.4.3

If an operator of a motor vehicle has been arrested or the vehicle is disabled as a result of a collision or mechanical failure and the vehicle can be left in a lawful location the vehicle shall be secured and left in its current location unless the operator request that it be towed. For vehicles operated by drivers who were arrested a Vehicle Release and Waiver form shall be completed indicating the operator's choice and the operator shall be requested to sign the waiver form. In the event the operator refuses to sign the waiver form then "refused" shall be entered on the signature line. All completed Vehicle Release and Waiver forms shall be submitted to the Records Division.

Abandoned Vehicles

The Greenville Police Department is authorized to administer the removal and disposition of junked or abandoned vehicles on public streets and highways within the city limits, and on property owned by the City. The CITY OF GREENVILLE CODE AND ORDINANCES BOOK, TITLE 12, Chapter 4, governs and authorizes the removal of abandoned, junked, and nuisance vehicles.

The Code Enforcement Unit of the City of Greenville Police Department is authorized to administer the removal and disposition of abandoned, junked, or nuisance vehicles on private property. Title 12, Chapter 4, Section 1 of the City Code of the City of Greenville defines abandoned and junked vehicles for the purpose of this directive.

Procedures for the removal of abandoned or junked vehicles on streets, highways or City property:

- Police officers or parking control officers encountering an abandoned or junked vehicle on a street, highway, or City property shall make a reasonable effort to determine ownership of the vehicle and notify the owner to remove the vehicle.
- If the owner of the vehicle cannot be located, an orange abandoned vehicle tag shall be completed and affixed to the left side of the rear of the window of the vehicle. Tagging information and reason(s) the vehicle is being tagged should be completed as soon as possible. The Vehicle Identification Number (VIN) should be included on the tag below the officer's name and number. The corresponding white portion of the tag shall be completed and submitted to the Parking Enforcement Unit.
- No sooner than seven days after the vehicle is tagged or the owner is notified, parking control personnel shall have the vehicle removed by the service contracted by the City for that purpose and shall complete a Vehicle Storage Report.

Greenville Police Department personnel receiving complaints of abandoned junked, or nuisance vehicles on private property shall:

- Advise the person making the complaint that removal of vehicles on private property is the responsibility of the Code Enforcement Division of the Police Department.
- Obtain all pertinent information and forward that information to the Code Enforcement supervisor for follow-up activity.

Towing or Removal of Vehicles by Police Personnel

Title 11, Chapter 7 of the City of Greenville Code and Chapter 20, Article 7A of the North Carolina General Statutes govern police initiated tow service operations and post towing procedures. Recovered stolen vehicles and vehicles of evidentiary nature shall be processed prior to towing for the collection of evidence pursuant to Chapter 83 of the Greenville Police Department Policy and Procedures Manual.

Police officers, Parking Control Officers and Code Enforcement employees are authorized to tow and impound vehicles when one or more of the following conditions exist. In circumstances other than those listed below, when a police officer believes it necessary to tow a vehicle, the officer shall contact a supervisor for guidance.

- A vehicle, by virtue of its location, is in violation of a state statute or City ordinance that requires or allows towing.
- A vehicle is disabled as a result of a collision or mechanical failure.
- A stolen vehicle is recovered and the owner or other responsible person is not readily available to take possession.
- A vehicle is to be searched or seized as evidence.
- The operator of a vehicle has been arrested and, in the police officer's opinion, is unable to make a rational decision as to the disposition of the vehicle due to the extent of the impairment.

RIGHT TO PROBABLE CAUSE HEARING

It shall be the responsibility of the Community Services Supervisor to ensure that appropriate attempts are made to notify the registered owners of vehicles towed by authority of the Greenville Police Department of their right to a probable cause hearing pursuant to North Carolina General Statute 20-219.11. When a request for a probable cause hearing is made, it shall be the responsibility of the police officer or parking control officer authorizing the towing to appear and present testimony related to the legal justification for having the vehicle towed. If the court finds no probable cause for a vehicle being towed, the Greenville Police Department shall provide compensation to the towing service pursuant to North Carolina General Statute 20-219.14.

TOW RECORDS

When a vehicle is removed or towed at the direction of a police officer or parking control officer, it shall be the responsibility of the officer authorizing the tow to complete as fully as possible a Vehicle Storage Report. In addition to vehicle identification information, the Vehicle Storage Report shall, at a minimum, provide for information to include:

- Date and time of the incident
- Case number (OCA)
- Violation or reason for tow
- Registered owner's name, address, and telephone number (if known)
- Location from which vehicle was towed
- Officer requesting or authorizing the tow
- Towing service
- Location vehicle is stored
- Notification or attempts at notification of the registered owner

The Vehicle Storage Report shall serve as a written record of the incident and copies shall be distributed as follows:

- The original (white) copy is immediately submitted to the Records Unit.
- The yellow and pink copies are retained at the Community Services desk until the registered owner or other responsible person retrieves the vehicle.
- When the individual retrieves the vehicle, the release section of the yellow and pink copies is completed; the pink copy goes to the individual retrieving the vehicle and the yellow copy submitted to records.

INVENTORY AND STORAGE

Procedures governing the inventory and storage of towed vehicles are as follows.

- A Vehicle Storage Report shall be completed pursuant to this directive on all vehicles towed under the authorization of a Greenville Police Officer, Parking Control Officer or Code Enforcement.
- When an officer authorizes a vehicle to be towed, the officer shall ensure that an inventory of the vehicle and its contents is conducted.
- The service towing the vehicle assumes liability and responsibility for the vehicle and its contents for the vehicle and its contents upon taking custody of the vehicle.

The following guidelines govern the determination of what tow service may be used by Greenville Police Department personnel towing vehicles.

- In all police initiated towing of vehicles, the owner or operator of the vehicle, if present and not incapacitated, shall have the right to select a tow service of his choice to tow or remove the vehicle.
- If the operator or owner of the vehicle is not present, or is incapacitated, or has no preference as to any specific tow service, the police officer or parking control officer ordering the tow shall request a service based on the rotation list maintained by the Communications Center.
- When emergency circumstances exist, the police officer may request towing services from the tow service nearest the scene of the collision or emergency.
- A police officer may also request towing services from any company operating large cranes or other heavy equipment if necessary to remove traffic obstructions involving large trucks or other heavy equipment.

61.4.4 TRAFFIC SAFETY EDUCATIONAL MATERIALS

CALEA Standard: 61.4.4

Traffic safety educational materials shall be made available, upon request and availability, through the Traffic Safety Unit.

GREENVILLE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES		
61-2-3	Traffic: Departmental Motor Vehicle Collisions	
Date Initially Effective: GO 9/15/94	By The Order Of: Hassan Aden, Chief of Police	
Date Revised: 12/27/12	Date Reissued: 12/28/12	Page 1 of 4

A. PURPOSE

The purpose of this directive is to outline the procedures to be used in reporting and investigating motor vehicle collisions involving departmental employees operating a departmental vehicle.

B. DISCUSSION

Greenville Police Department sworn officers and employees who are assigned departmental vehicles will receive training in proper driving techniques to minimize the frequency of motor vehicle crashes involving departmental vehicles. The Department will hold accountable those employees who are involved in an avoidable motor vehicle crash while correcting any identified driving related deficiencies through additional training, guidance, counseling and, if appropriate, disciplinary measures.

C. DEFINITIONS

1. *Departmental Motor Vehicle Collision* – Any crash, regardless of how minor, involving a vehicle owned by the City of Greenville and assigned to the police department. This includes accidents where no obvious property damage or personal injury is involved, single vehicle accidents, and incidents where a departmental vehicle may have left the roadway and needs to be pulled from its stationary location.
2. *Preventable Collision* – A traffic crash that occurred because the operator violated a traffic law or operated the vehicle in a negligent manner. A negligent action involves failure on the driver's part to exercise due care in the operation of a motor vehicle or, with respect to other conduct, failing to do an act or not do an act which a reasonable and careful person would do or not do under the same or similar circumstances to avoid a collision.
3. *Non-Preventable Collision* – A traffic crash involving an operator who did not violate any traffic law and who operated the motor vehicle with due care and whose actions did not contribute in any way to the vehicle crash.
4. *Loss of Take-Home Vehicle* – Employees who lose their take-home vehicle privileges per this order will not use their assigned vehicle or any other departmental vehicle for voluntary overtime or extra-duty assignments.
5. *Injury* – Injury to any person caused directly or indirectly by or aggravated by the departmental motor vehicle crash. Injury scales are taken from the North Carolina Uniform Motor Vehicle Traffic Crash Report. The injury scale of the most seriously injured person in the collision will be used to determine the injury factor.

6. *Damage* – Damage shall be determined by actual repair estimates obtained through the Support Division Commander.
7. *Causative Factors* – Cause Codes will be determined by the investigating officer utilizing codes provided by the North Carolina Uniform Motor Vehicle Traffic Crash Report.
8. *Extenuating Circumstances* – Any data or circumstances surrounding the collision that may be used in defense of the operator's actions or non-actions. Extenuating circumstance factors will be evaluated and assigned, if warranted, by the investigating officer. Examples of possible extenuating circumstances include:
 - Debris on roadway
 - Animals/Pedestrians on roadway
 - Road defect
 - Police related distractions such as gunshots, screaming, weapons present, officer in need of assistance on scene, etc.
 - Actions done to prevent a larger scale collision

D. PROCEDURES

General Procedures

1. Traffic crashes involving non-ranking or non-sworn police personnel shall be investigated by a member of the Traffic Safety Unit or by an on-duty supervisor.
2. Enforcement guidelines shall be the same for police personnel as they are for the general public as set forth in Chapter 61 of the Policy and Procedures Manual. Citations shall be issued when the investigation indicates that departmental personnel were in violation of a traffic law.
3. A copy of all traffic crash reports involving departmental personnel, including those deemed "non-reportable" by the State of North Carolina will be forwarded to the Office of Internal Affairs for inclusion in the Early Warning System tracking and for possible training considerations.
4. The officer assigned to investigate a department vehicle accident will complete the crash report prior to ending their shift. If additional follow-up is needed, a preliminary report will be submitted and supplemental reports will be filed as needed

E. INVOLVED EMPLOYEE'S RESPONSIBILITIES

1. Any departmental employee involved in a motor vehicle crash while operating a departmental vehicle, regardless of duty status, injury, or amount of damage, will *immediately* report the accident to an on-duty Patrol Division supervisor.
2. Employees shall make no statements regarding the fault or cause of the crash except to the investigating officer, supervisor, risk manager, or other appropriate departmental or city official.

F. SUPERVISOR'S CRASH REVIEW RESPONSIBILITIES

1. An on-duty Patrol Division supervisor will respond to the scene of any departmental motor vehicle collision to ensure that a thorough crash investigation is conducted, to include a complete motor vehicle crash report, eyewitness interviews, photographs, measurements, and any additional collection of evidence.
2. When a departmental motor vehicle crash involves obvious significant injury to any person or property the on-duty Patrol Division supervisor shall contact the on-call member of Command Staff. The on-call member of Command Staff shall be responsible for contacting the North Carolina State Highway Patrol and requesting they respond to conduct the investigation.

Additionally, if the on-duty supervisor has reason to believe that potentially serious circumstances exist regarding the involved employee that is outside the “significant injury to a person or property” the supervisor shall contact the on-call member of the Command Staff regarding possible assistance from the North Carolina Highway Patrol. The on-call member of Command Staff shall make the determination if the North Carolina State Highway Patrol Office should be requested to respond for the crash investigation.

3. In the event the motor vehicle crash is minor and does not involve potentially serious circumstances regarding the employee, then the on-duty Patrol Division supervisor shall assign an appropriate officer to the crash investigation.
4. The on-duty Patrol Division supervisor will be responsible for contacting the involved employee’s supervisor and the City Risk Administrator. The City Risk Administrator will be notified of all collisions that occur during normal business hours. The on-duty Patrol Division supervisor will ensure that the City Risk Administrator is notified immediately, regardless of day or time, when any city owned vehicle is involved in a motor vehicle crash that involves personal injury or extensive property damage.
5. The on-duty Patrol Division supervisor will ensure that a copy of the completed crash investigation report and insurance forms are forwarded to the City Risk Administrator.
6. The Chief of Police or designee will determine when and how the City Manager will be notified of departmental crashes.
7. The on-duty supervisor shall make arrangements to notify the owner of any property damaged in a crash involving any city vehicle. This notification or the attempt shall be noted in the narrative portion of the crash review report
8. The reviewing supervisor will make a determination and assign the appropriate factors as to:
 - Whether the crash was preventable or non-preventable on the part of the employee
 - Causative factors involved
 - Injury factors involved
 - Damage factors
 - Existence of any extenuating circumstances

9. The reviewing supervisor will complete a Crash Investigation Review within 30 days of the crash outlining the findings and assigned factors and forward it through the Chain of Command to the Chief of Police in written memorandum form. If the crash is investigated by the NCSHP, the responding Greenville Police Department supervisor will complete a Crash Investigation Review based on the submitted crash report and forward the review along with the completed crash investigation.

G. REMEDIAL TRAINING

The Chief of Police will determine if remedial training will be mandated. The type of training may consist of in-house training conducted by the Traffic Safety Unit and coordinated through the Training Unit or appropriate outside training.

H. APPEAL PROCESS

An employee who disagrees with the crash investigation or subsequent disciplinary action can file an appeal using the same appeal process outlined in City policy.

GREENVILLE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES		
61.1.5	Related Policy Chapter: License/Registration Plate Pickup Orders	
Date Initially Effective 02/11/2010	By The Order Of: _____ William J. Anderson, Chief of Police	
Date Revised	Date Reissued	Page 1 of 2

A. PURPOSE

North Carolina General Statutes 20-45 authorizes law enforcement officers to serve process and revocation orders for the North Carolina Division of Motor Vehicles. Procedures have been established that are outlined below to ensure the uniform application of the statute.

B. DISCUSSION

Officers who receive notification through the Division of Criminal Information (DCI) system that a driver license or registration plate has been revoked or cancelled and an order to seize the item exists, shall make the determination as to whether the appropriate enforcement action would be to seize the driver license or registration plate. Driver License and/or Registration Plates seized for evidentiary purposes or any other purposes other than the DMV-ordered pick-up shall be processed in accordance with policies and procedures established in Chapter 83, "Collection and Preservation of Evidence" and Chapter 84, "Property and Evidence Control".

C. DRIVER LICENSE SEIZURE

1. Complete DMV Form DL23A, "Acknowledgement and/or Receipt for surrender of North Carolina License/Registration Plate"
2. Provide the individual with the pink copy
3. Maintain the white copy of Form DL23A and a copy of the DCI response for your records/court
4. Forward the yellow copy with the driver license attached to the Traffic Safety Unit for submission to the Division of Motor Vehicles*

D. REGISTRATION PLATE SEIZURE


1. The officer shall complete the DMV Form DL23A
2. Provide the individual with the pink copy
3. Maintain the white copy from DL23A and a copy of the DCI response for court/personal records
4. Secure the yellow copy to the registration plate
5. Ensure that the DCI submission TSEZ is completed

E. DISPOSAL OF DRIVER LICENSES AND REGISTRATION PLATES

1. The officer shall promptly forward the plate to the Traffic Safety Unit for submission to the Division of Motor Vehicles

2. Traffic Safety Supervisors shall ensure that seized driver licenses are forwarded to the Division of Motor Vehicles (DMV) at least biweekly and seized registration plates are forwarded to the local Driver License necessary

Office as

GREENVILLE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES		
61.3.1	Related Policy Chapter: Automated License Plate Reader	
Date Initially Effective: 03/13/13	By The Order Of:  Hassan Aden, Chief of Police	
Date Revised:	Date Reissued:	Page 1 of 3

A. PURPOSE

The automated License Plate Reader (LPR) is intended to enhance the Department's ability to locate stolen vehicles and any other vehicle-related crimes. Therefore, guidelines have been established to ensure that each LPR is used in a manner consistent with Departmental policy and to establish the responsibilities of the LPR operator and Coordinator.

B. DISCUSSION

The LPR consists of cameras connected to a computer processing unit that converts images of license plates into computer-readable data. The data is then compared against a database of license plates associated with stolen vehicles and plates, wanted and missing persons, and other databases designed to enforce laws or further criminal investigations.

DCI routinely updates the database in the form of a "Hot List" and for this reason the most current hot list should be used. The LPR does have the capability of allowing manual entries of plates of interest, at the user level, as well as, at the administrator level. Additionally, the LPR maintains the date, time, and location of each license plate scanned.

C. DEFINITIONS

License Plate Reader (Recognition) – A system consisting of cameras, computer, and computer software used to automatically "read" or recognize the characters on a license plate. The license plate recognized, is then compared to the list of license plates considered of interest to law enforcement.

Hot List – a listing of license plates derived from different law enforcement sources that potentially are stolen plates, plates on stolen/wanted vehicles, missing person alerts, or any other type of law enforcement matter of interest.

Audible Alert/Notice of a "HIT" – Visual and Audible recognition of a license plate "read" or "recognized" as a license plate listed on the Hot List that was downloaded.

LPR Coordinator – Designated TSU Officer responsible for troubleshooting, administration, training, and coordinating all aspects of the LPR systems with Department personnel.

D. GENERAL GUIDELINES FOR USE

The License Plate Reader (LPR) shall be:

- Only installed or repaired by qualified persons
- Permanently mounted on the patrol vehicle
- Used only for legitimate law enforcement purposes
- Activated at all times when patrol activities are being conducted
- Not relied on, as the sole grounds for a stop, but the “hit” confirmed through DCI first
- Operated only by a properly trained operator

E. OPERATOR RESPONSIBILITIES

The LPR system shall be activated at the beginning of the shift and the LPR shall be operated at all times with regard to officer and public safety. The operator of a LPR shall ensure prior to use, the most current “Hot List” from DCI has been downloaded.

If the operator receives information in reference to a license plate of interest and the license plate has not yet been listed on the DCI Hot List, the operator shall bolo the license plate and may manually enter the plate into their LPR. The operator is responsible for removing all manually entered license plate data once the need for the entry no longer exist.

The operator shall upon receiving an alert/hit visually verify that the plate read and the actual plate are the same, to include characters and state. Once verification has been done, the operator shall confirm through DCI the status of the alert. The confirmation shall be used as the basis for any further appropriate action.

In the event the LPR appears to be malfunctioning, is damaged, or clearly becomes inoperable, the operator shall notify their supervisor and shall cease using the LPR. The operator shall contact the LPR Coordinator for further instructions.

F. COORDINATOR RESPONSIBILITIES

The LPR Coordinator will maintain any forms or electronic systems tracking LPR usage as well as, maintaining the current LPR software. The coordinator will ensure that necessary updates are done as needed.

A list of LPRs and the patrol vehicle they are assigned to shall be maintained by the Coordinator. The Coordinator shall ensure all personnel are trained prior to operating an LPR and shall maintain a roster of personnel who are trained.

The point of contact for all issues involving the LPR shall be the Coordinator who will attempt any troubleshooting that may be needed. If the problem is a matter that can't be handled by the Coordinator then he/she shall ensure that the LPR receives maintenance and repairs as needed.

G. DATA STORAGE & RETRIEVAL

The LPR server stores LPR-generated data for 365 days and archives every 30 days. Any and all information gathered by the LPR is considered a confidential law enforcement record and not for public release. Data stored by the Department will only be shared with agencies having a legitimate law enforcement need to have access to this information.

Data obtained that is being utilized as an investigative tool or is evidence of a crime shall be flagged and stored until it loses its evidentiary or investigative value.